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Ibn ‘Arabī’s Conception of Ijtihād: Its Origins and Later Reception

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2015

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Abstract

This study investigates the history of a Sufi conception of *ijtihād*, the key figure of which is Muḥyī al-Dīn ibn ‘Arabī (d. 638/1240). It seeks to clarify Ibn ‘Arabī’s legal theory and to identify its guiding principles. In order to do this it investigates the origins of Ibn ‘Arabī’s thought in the writings of al-Ḥakīm al-Tirmidhī (d. c. 298/910). It also investigates the nature of the similarities between the legal theory of Ibn ‘Arabī and the Zāhirī school. This study challenges the view that Ibn ‘Arabī was a Zāhirī and demonstrates that he adopted only those Zāhirī principles that agreed with his understanding of the Sharī‘a. It further argues that Ibn ‘Arabī’s legal theory was closely linked to his concept of sainthood, which is highly influenced by that of al-Tirmidhī before him.

Through attaining a clear understanding of Ibn ‘Arabī’s jurisprudential thought, it becomes possible to examine the extent to which his legal theory influenced his later followers. The works of ‘Abd al-Wahhāb al-Sha‘rānī (d. 973/1565) are examined, and it is argued that his theory of the Scale of the Sharī‘a has its roots in Ibn ‘Arabī’s teachings. A detailed examination of another key figure, Aḥmad ibn Idrīs (d. 1837), reveals that he was a follower of Ibn ‘Arabī’s legal opinions. The study argues that the revivalist Sufi orders inspired by Ibn Idrīs were also guided by Ibn ‘Arabī’s legal theory.

This study shows a continuous transfer of ideas on both sainthood and the law from al-Tirmidhī to Ibn Idrīs and his followers. It also shows the close connection between their views on sainthood and their legal theories.

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Introduction

The Andalusian Sufi Muḥyī al-Dīn ibn ‘Arabī (d. 638/1240), known to his admirers as al-Shaykh al-Akbar (The Greatest Master), began his magnum opus *al-Futūḥāt al-makkiyya* (The Meccan Revelations) by describing a vision he saw. This vision defined his entire teaching and purpose, as he saw it, and subsequently led to the composition of the *Futūḥāt*. The vision culminated in a pulpit being erected for him to ascend, in front of an assembly of all of God’s prophets and messengers, led by Muḥammad and his four caliphs, and surrounded by the rest of Muḥammad’s followers. On it, the following words were inscribed with radiant light, ‘This is the pure Muḥammadan Station. Whoever ascends to it is an heir [of Muḥammad], and has been sent by God to preserve the sanctity of the Sharī‘a.’¹

Ibn ‘Arabī, whose honorific title Muḥyī al-Dīn means Reviver of the Religion, clearly saw the service of the Sharī‘a as central to his mission. Yet as a recent survey of studies on Ibn ‘Arabī showed, his writings on Islamic law have been ‘scarcely explored,’² as most studies focused on his views on *walāya* (sainthood),³ prophecy, love and mercy, and other themes. It is ‘crucial,’ wrote Ali Hussain, that his works on jurisprudence be ‘further explored and analysed.’⁴

¹ Ibn ‘Arabī, *Futūḥāt*, 1: 2-3. On the significance of this vision see Addas, *Quest*, 205.

² Hussain, ‘Endless Tajalli,’ 100. This survey was limited to studies published in the West, but this judgement is correct in general.

³ Literally ‘Proximity to God.’ I have chosen to use the popular translation of ‘sainthood’ even though it is not entirely satisfactory. The term *walāya* has many meanings such as friendship, nearness, support, alliance, and others. Perhaps the best definition is that of Ibn Taymiyya (d. 728/1328) who clarified its meaning by way of its opposite. He wrote, ‘*Walāya* is the opposite of enmity. The origin of *walāya* is love and nearness, and the origin of enmity is hatred and distance...the *walī* is one who is near’ (Ibn Taymiyya, *al-Furqān*, 9). It should also be noted that both *walāya* and *wilāya* are correct, but I have chosen the first as it is Ibn ‘Arabī’s own preference (See Chodkiewicz, *Seal*, 21-5 for an excellent discussion on this term).

⁴ Hussain, ‘Endless Tajalli,’ 116.

That the jurisprudential thought of one of the most influential Muslim thinkers of the past eight centuries has not been adequately studied is not the only problem. Without a full understanding of his thought, one cannot fully assess its influence on later figures. It would be hard to imagine that over centuries, countless Sufis and scholars who believed that Ibn ‘Arabī was the ‘Greatest Master’ benefitted only from his writings on Sufism and ignored what he wrote on the law. Ibn ‘Arabī was a controversial figure who had many detractors, and so many Sufis who were highly influenced by his teachings did not mention him at all, though the mark of the influence and borrowings is clear.⁵ Was this also the case with regard to his jurisprudential thought? In order to establish this, our primary task would be firstly to arrive at a comprehensive and clear understanding of his legal theory. This is the central objective of this study.

In order to understand Ibn ‘Arabī’s legal views fully, one must investigate the origins for his ideas in earlier sources. This is another area of Akbarī studies that is severely lacking. The above-mentioned survey stated that Ibn ‘Arabī’s sources of influence are ‘perhaps the most crucial yet least explored area of research in Ibn ‘Arabī studies.’⁶ Gerald Elmore wrote,

Little has yet been offered by modern scholarship in the way of documenting the specific literary influences on the Shaykh’s published doctrine and style in the works of such illustrious predecessors such as Dhū l-Nūn al-Miṣrī, Abū Yazīd al-Bisṭāmī, Sahl al-Tustarī, al-Ḥakīm al-Tirmidhī, [etc....].⁷

Therefore, the first task to be pursued in this thesis is to trace the origins of Ibn ‘Arabī’s ideas, and it is al-Ḥakīm al-Tirmidhī (d. c. 298/910) with whom we are interested most. Those who have studied Ibn ‘Arabī’s writings on sainthood have long recognised the influence of al-Tirmidhī,⁸ but they have not given much attention to the jurisprudential

⁵ See Chodkiewicz, *Ocean*, 3-17.

⁶ Hussain, ‘Endless Tajalli,’ 106.

⁷ Elmore, ‘Road to Santarem,’ 2-3.

⁸ Radtke, ‘Forerunner,’ 42-9; Chodkiewicz, *Seal*, 27-33; and Elmore, ‘Review,’ 103-6.

work of either, despite the close relationship between jurisprudence and Sufism in the thought of both authors. Those who studied the jurisprudence of al-Tirmidhī, on the other hand, seem not to have been aware of the jurisprudential thought of Ibn ‘Arabī or at least not to have made the connection between the two. Instead, Ibn ‘Arabī has often been described as a follower of the *Zāhirī* school of jurisprudence which was founded by al-Tirmidhī’s contemporary Dāwūd ibn ‘Alī ibn Khalaf (d. 270/883), more commonly known as Dāwūd al-*Zāhirī*. Therefore, the first part of this study will be dedicated to the thought of al-Tirmidhī. In the first chapter we will look at those of al-Tirmidhī’s writings on sainthood that are at the root of his ideas on jurisprudence. Although there have been some studies that summarised al-Tirmidhī’s views on sainthood, none have explained them satisfactorily. The second chapter will be dedicated to al-Tirmidhī’s writings on jurisprudence directly, and will focus on those passages that may have influenced Ibn ‘Arabī’s own approach to jurisprudence, using several key passages that have been overlooked by earlier studies. Although al-Tirmidhī’s views on jurisprudence are the direct result of his Sufism, and in particular his views on sainthood, it will be necessary to situate his thought among other trends in such an early period in Islamic history. This will be the second major objective of the study.

In Chapter Three, we will study Ibn ‘Arabī’s own writings on sainthood, again presenting those ideas in particular that influenced his approach to jurisprudence. This chapter aims to clarify the link between the writings of al-Tirmidhī and Ibn ‘Arabī on this subject, which again has not been so far studied in detail. Chapter Four will examine Ibn ‘Arabī’s legal theory. Much of al-Tirmidhī’s influence on Ibn ‘Arabī’s legal thought came through his influence on Ibn ‘Arabī’s conception of sainthood, but this study will investigate how much of his jurisprudential thought directly influenced that of Ibn ‘Arabī. Ibn ‘Arabī also benefited from the *Zāhirī* school in legal theory. Therefore, this chapter will aim to present, for the first time, a comprehensive comparison between the legal principles of Ibn ‘Arabī and the *Zāhirīs*. By finding and analysing where they differ, the study will reveal the true nature of Ibn ‘Arabī’s

understanding of the Sharī‘a and why he adopted some of the key principles of Zāhirī thought.

After having studied the jurisprudential thought of Ibn ‘Arabī and its origins, we can come to the third major objective, which is to show how it influenced later figures. The 18th and 19th centuries saw the emergence of a group of Sufi *ṭuruq* with revivalist tendencies that initiated internal reform and renewal in Muslim communities, both in the fields of Sufism and the Sharī‘a, many of which also fought against European colonialists. Some studies argued that a rejection of Ibn ‘Arabī’s teachings was among the characteristics of these *ṭuruq*, portraying these ‘Sharī‘a-minded Sufis’ as being at odds with the Sufism of Ibn ‘Arabī.⁹ The truth, in fact, is the complete opposite. The reformist tendencies of every one of these movements was very much influenced by Ibn ‘Arabī.¹⁰ Knut S. Vikør looked at the call for *ijtihād* among several of these Sufi authors of the 18th and 19th centuries,¹¹ to see if Sufism had anything to do with their shared call for *ijtihād*; his conclusion was that it did not. However, we will show in this study that, if the teachings of Ibn ‘Arabī on the subject are considered, and the dedication of these authors to Ibn ‘Arabī was made clear, the answer is undoubtedly yes: the call for *ijtihād* among these authors was directly influenced by Ibn ‘Arabī.

The first major figure whose writings on jurisprudence we will study is ‘Abd al-Wahhāb al-Sha‘rānī (d. 973/1565). Al-Sha‘rānī is famous first and foremost as a populariser of Ibn ‘Arabī’s theological and Sufi doctrines. The influence of Ibn ‘Arabī’s conception of *ijtihād* on al-Sha‘rānī’s most famous legal works has been looked into, but no one has shown the true extent of that influence. Several studies have given most of the credit instead to al-Sha‘rānī’s immediate teacher al-Khawwāṣ. In Chapter Five, I

⁹ Levzion, ‘Sharī‘a,’ 382-4, 402-3.

¹⁰ For example, Levzion herself points out that the main two figures behind the 16th and 17th century revival in *ijtihād* and the rejection of *taqlīd*, al-Sha‘rānī and al-Qushāshī, were ‘prolific defender[s]’ of Ibn ‘Arabī (Levzion, ‘Sharī‘a,’ 383). She likewise points out the frequent references to Ibn ‘Arabī in the writings of the Tijāniyya and Khalwatiyya (ibid).

¹¹ Vikør, ‘Shaykh as Mujtahid,’ 351-375.

will argue that the true source of al-Sha‘rānī’s ideas was Ibn ‘Arabī. I will show the extent to which Ibn ‘Arabī’s ideas formed al-Sha‘rānī’s understanding of the Sharī‘a. I will also show how this influence was the primary inspiration for al-Sha‘rānī’s original theory of the Sharī‘a which he called ‘The Scale.’

Chapter Six will look at the second major figure, Aḥmad ibn Idrīs (d. 1253/1837), who founded one of the most important of those revivalist *ṭuruq* of the 19th century. A rather vague similarity has been noted between the thought of Aḥmad ibn Idrīs on one hand, and that of al-Tirmidhī and al-Sha‘rānī on the other, on the issue of scholarly authority in the field of jurisprudence.¹² However, the thought of the last two on the subject has not received the attention that it deserves. One study described in more detail many of the similarities between the arguments of Ibn Idrīs’ student al-Sanūsī and al-Sha‘rānī, but did not believe that their Sufī beliefs had much influence on their jurisprudential writings.¹³ Other studies continue to hold that Ibn ‘Arabī’s ideas were antithetical to those of the ‘Sharī‘a-oriented’ Sufī movements like the Idrīsiyya and its Sanūsī offshoot. This chapter will be the first to establish the degree to which Ibn Idrīs was influenced by Ibn ‘Arabī, both in Sufism and jurisprudence. This will be the first time that the jurisprudential thought of Ibn Idrīs will be investigated beyond the usual comments that he was an independent *mujtahid*. I will show that while he was indeed a *mujtahid*, he was also a dedicated follower of Ibn ‘Arabī in jurisprudence.

If there is no school of jurisprudence without followers, then this investigation into the thought and practice of al-Sha‘rānī and Ibn Idrīs will establish whether or not they were followers of what we may term the ‘Akbarī School.’

¹² Radtke et al., *Exoteric*, 15-16.

¹³ Vikør, ‘Shaykh as Mujtahid,’ 351-375.

Chapter 1: Al-Tirmidhī on Juristic Authority

This chapter will investigate the life of al-Ḥakīm al-Tirmidhī and his doctrine on sainthood (*walāya*) and the saints (*awliyāʾ* *Allāh*).¹⁴ These ideas will in turn form the basis for al-Tirmidhī's views on *ijtihād* which will be dealt with in the following chapter. It is the ideas in this chapter that will have a direct influence on Ibn 'Arabī's own doctrine on sainthood, and which in turn will form the basis for his views on *ijtihād*. The first part of the chapter will deal briefly with al-Tirmidhī's life and career. The second, greater part of the chapter, will deal with al-Tirmidhī's doctrine.

1.1 A Brief Sketch of al-Tirmidhī's Life and Intellectual Upbringing

Abū 'Abdallāh Muḥammad ibn 'Alī, known as al-Ḥakīm al-Tirmidhī, was born between 205/820 and 215/830 in Tirmidh, present day Uzbekistan, where he also died around 298/910.¹⁵ He, therefore, lived a long life that covered most of the third Islamic century. Al-Tirmidhī composed works in most Islamic disciplines, such as Qur'ānic exegesis, prophetic traditions, Sufism, jurisprudence, theology, and the Arabic language, but many of his works fused several of these disciplines together in a unique and innovative manner, making them difficult to classify. His greatest legacy is in the field of Sufism as he is remembered mostly as a Sufī, but is also counted among the well-known traditionists because of his *ḥadīth* collection and commentary *Nawādir al-uṣūl*.

¹⁴ 'Those who are near to God.' (See Introduction, p.6, n.3).

¹⁵ Radtke, 'Wilāya,' 483-4. This means that he lived for around 83-93 years, a very long life in that age. Al-Dhahabī estimated that he lived for around eighty years (*Tadhkira*, 2:171) whereas Ibn Ḥajar estimated a life of around ninety years. However, he claimed that al-Tirmidhī lived until around 318/930 based on a claim that Abū Bakr ibn al-Anbārī (d. 328/939) took prophetic traditions from him that year (Ibn Ḥajar, *Lisān*, 5: 310). This is most probably a mistake. Gobillot likewise claimed that he died in 318/930, at the age of around one hundred years (Gobillot, *Livre*, 17). Baraka and Marquet both believed that he lived from 205/820 until 320/932, an extraordinarily long life of 115 years (Baraka, *al-Ḥakīm*, 1:198; Marquet, 'al-Tirmidhī,' in *EI2*). Radtke attributed the errors regarding his death date to the uncritical attribution of works to al-Tirmidhī that were most likely not his (Radtke, 'Wilāya,' 487), however, Ibn Ḥajar's quote of a claim that he was narrating prophetic traditions in 318/930 is the main reason behind this error.

Al-Munāwī (d. 1031/1621), the Ottoman-era Sufi biographer and traditionist, said of him, ‘He was distinguished among the Sufis by the amount of his narrations and the loftiness (i.e. shortness) of his chains of narration.’¹⁶ Al-Tirmidhī was without doubt one of the most influential early figures of Sufism, his influence coming mostly through his writings which were very popular. He was ‘by far the most prolific author during the whole period of classical Islamic mysticism.’¹⁷ The early Sufi biographer al-Hujwīrī (d. c. 465/1072) described the wide circulation of al-Tirmidhī’s writings among scholars and theologians in the 5th/11th century.¹⁸ The great popularity of al-Tirmidhī’s works until this day, and their large distribution in the libraries and publishing houses of the Muslim world, has been noted by Nicholas Heer and Osman Yahya as evidence of his lasting influence on Sufi thought.¹⁹

Al-Tirmidhī was known as al-Ḥakīm, ‘the wise man,’ as were two of his contemporaries. This led some scholars to believe that the ‘*ḥakīm*’ was a social type particular to the north-eastern Islamic lands of Khorasan and Transoxania, a title given to persons who possessed spiritual knowledge. All three figures who possessed this title were also learned in jurisprudence, theology, Qur’ānic exegesis, and traditions, indicating that the title might have been reserved for people who mastered a host of different religious sciences and combined them with spiritual insight.²⁰ Like al-Tirmidhī, Muḥammad ibn ‘Umar Abū Bakr al-Warrāq al-Ḥakīm (d. 280/893) ‘warned against one-sided training in *kalām*, *fiqh*, and *zuhd*, and advocated a synthesis of all three as the only safe approach.’²¹ Studies have therefore suggested that there was a tradition in those lands of *ahl al-ḥikma* (the People of Wisdom) who insisted on combining spirituality with the other Islamic sciences. This was especially true for al-

¹⁶ Al-Munāwī, *al-Kawākib*, 2:130.

¹⁷ Radtke and O’Kane, *Concept*, 2.

¹⁸ Al-Hujwīrī, *Kashf*, 141.

¹⁹ Baraka, *al-Ḥakīm*, 1:198.

²⁰ Karamustafa, *Sufism*, 47.

²¹ Karamustafa, *Sufism*, 47.

Ḥakīm al-Tirmidhī who had the concept of *ḥikma* (wisdom) at the core of all his teachings. As we will show in more detail, wisdom to him was a more profound understanding of the Qur’ān, prophetic traditions, and the law, which is gained through spirituality. Another possibility is that al-Tirmidhī himself started this tradition. The evidence for this is that al-Warrāq treated al-Tirmidhī as his teacher, and whatever is preserved of his teachings is almost identical to those of al-Tirmidhī.²² As for the third person, Abū l-Qāsim Ishāq ibn Muḥammad al-Ḥakīm al-Samarqandī (d. 342/953), he was in turn the student of al-Warrāq.²³

It is difficult to create a clear chronology of al-Tirmidhī’s life and education. We know that he began his studies at the age of eight, learning prophetic traditions and Ḥanafī jurisprudence under the direction of a shaykh. He was to dedicate himself wholly to these two fields of learning until the age of twenty-seven. Al-Tirmidhī does not name this shaykh who gave him his earliest guidance, but al-Hujwīrī, who himself stated that he was wholly devoted to al-Tirmidhī, mentioned that al-Tirmidhī studied jurisprudence at the hands of one of Abū Ḥanīfa’s close disciples.²⁴ Nicholas Heer understandably found that difficult to accept, considering Abū Ḥanīfa’s death in the year 150/767, which meant that the shaykh would have had to be over the age of seventy-five to have studied under Abū Ḥanīfa and to then have begun teaching al-Tirmidhī in the year 213/828.²⁵ I propose a simple explanation for al-Hujwīrī’s confusion. Al-Tirmidhī frequently narrated traditions in his books from ‘al-Jārūd,’ whose full name was al-Jārūd ibn Mu‘ādh al-Sulamī (d. 244/858) and who lived in Tirmidh.²⁶ Al-Hujwīrī, who was a follower of the Ḥanafī school of law, must have assumed that this ‘al-Jārūd,’ was al-Jārūd al-‘Āmirī al-Nīshāpūrī (d. 206/821), one of the most

²² See the teachings of al-Warrāq as preserved in al-‘Aṭṭār, *Tadhkirat al-awliyā*, 537-544. Unfortunately the works of al-Warrāq are now lost (Radtke, ‘Wilāya,’ 495). Radtke does not agree with the portrayal of al-Warrāq as al-Tirmidhī’s student but rather sees him as a compatriot. However, the way that al-Warrāq narrated stories about al-Tirmidhī reflects the attitude of a loving student.

²³ On this figure see Karamustafa, *Sufism*, 47.

²⁴ Al-Hujwīrī, *Kashf*, 141.

²⁵ Baraka, *al-Ḥakīm*, 1:37.

²⁶ See al-Mizzī, *Tahdhīb*, 4: 476-8, where al-Ḥakīm al-Tirmidhī is mentioned as one of his students.

distinguished of Abū Ḥanīfa's students. Al-Tirmidhī's remarks that he studied jurisprudence (what he called *ra'y*) from a young age at the direction of a shaykh would have helped al-Hujwīrī make this mistaken assumption.

Al-Tirmidhī also studied traditions at the hands of both his parents and narrated from them as well as other scholars from his home town. Sometime before the year 230/844, when he was still under the age of twenty-five, al-Tirmidhī began his travels for the acquisition of traditions. He travelled to Balkh in present day Afghanistan where he took from three great traditionists, including the most illustrious of his teachers, the traditionist and jurist Qutayba ibn Sa'īd al-Thaqafī al-Balkhī (d. 240/854). Qutayba was a student of Mālik ibn Anas, al-Layth ibn Sa'd, and Sufyān ibn 'Uyayna, among others, and taught the likes of Aḥmad ibn Ḥanbal, al-Bukhārī, Muslim, Abū Dāwūd, and Abū 'Īsā al-Tirmidhī.²⁷ In Balkh al-Tirmidhī also met the great Sufi of the age, Abū Turāb al-Nakhshabī, as well as Aḥmad ibn Khaḍrawayh (d. 240/854), one of the great shaykhs of Khorasan. Al-Tirmidhī accompanied these masters and travelled with them to Iraq where he met more Sufis and more traditionists.²⁸ At the age of twenty-eight, al-Tirmidhī performed the pilgrimage to Mecca, and there he had a spiritual experience or vision that changed his life. Al-Tirmidhī decided to dedicate himself first and foremost to the spiritual path, dedicating his time to the memorisation of the Qur'ān and spending his nights in prayer. Al-Tirmidhī was on the course to becoming a Sufi first and a traditionist second, rather than the other way around. That is, the spiritual path now became his first and foremost concern. He seems to have joined a group of young Sufis like himself who were attempting to purify their souls, and he found a Sufi treatise whose advice and instruction he followed. Ultimately, however, he did not find the guidance he was looking for with any groups or shaykhs, and attributed his guidance to God directly. Al-Tirmidhī soon became a teacher with a circle of followers, and gained fame in his home town. Rival scholars aroused public opinion and the governor of Balkh against him, but the persecution ended, likely with the change of governor,²⁹ and

²⁷ Al-Ḥusaynī, *al-Ma'rifa*, 14; Baraka, *al-Ḥakīm*, 1: 38.

²⁸ Al-Ḥusaynī, *al-Ma'rifa*, 14-5.

²⁹ Al-Juyūshī (ed.) in al-Tirmidhī, *al-Furūq*, 26.

al-Tirmidhī stated that he emerged even more popular after that.³⁰ Al-Sulamī (d. 412/1021) recorded that al-Tirmidhī was persecuted a second time toward the very end of his life, and this time exiled from the city because of his two works *Khatm al-awliyāʾ* and *ʿIlal al-sharīʿa*,³¹ both of which will be discussed in this study. In this final persecution, al-Tirmidhī left to the city of Balkh where he was received and accepted because its people agreed with his views, and where he was to acquire a large following.³² The presence of his tomb in his home town of Tirmidh indicates that al-Tirmidhī returned once more to his home town sometime before his death, though this led others like Radtke and O’Kane to doubt the story of that second exile altogether.³³ Whether al-Tirmidhī returned to Tirmidh after exile or never left it, he must have died loved and revered by his townsfolk, as al-Hujwīrī relates in the present tense that he was known in Tirmidh as ‘al-Ḥakīm’ and that he had followers in that region known as the ‘Ḥakīmīs.’³⁴

1.2 Al-Tirmidhī’s Hierarchy of Sainthood

As al-Hujwīrī noted, the main focus of al-Tirmidhī’s writings was on the nature of sainthood, as well as the ranks and degrees of the saints. That is why al-Hujwīrī

³⁰ Al-Tirmidhī, *Budū shaʿn*, 21-2.

³¹ This is most likely *Ithbāt al-ʿilal*.

³² See al-Tirmidhī, *al-Furūq*, 30-1, where the editor al-Juyūshī compares the different words of al-Dhahabī and Ibn Ḥajar based on the information that they took from a now lost work of al-Sulamī, to gain more knowledge on the subject.

³³ Radtke and O’Kane, *Concept*, 1.

³⁴ Al-Hujwīrī, *Kashf*, 141. Contemporary historians struggled to explain why some manuscripts of al-Tirmidhī’s works had notes on them describing him as ‘the Shaykh of the Shāfiʿī scholars in Iraq’ (Baraka, *al-Ḥakīm*, 37). Whoever wrote these notes must have confused our al-Tirmidhī with another Muḥammad al-Tirmidhī who died in 295/907, whereas our al-Tirmidhī most likely died in 298/910. This Muḥammad ibn Aḥmad ibn Naṣr al-Tirmidhī al-Shāfiʿī was invariably described in his biographical entries as ‘the Shaykh of the Shāfiʿī Scholars in Iraq,’ and was also known as an ascetic. For more on him see al-Dhahabī, *Siyar*, 13:545-7.

chose to discuss the issue of sainthood in his section on al-Tirmidhī's followers.³⁵ Al-Hujwīrī tells us that other works were written on the subject prior to al-Tirmidhī and that they were rare and soon became lost.³⁶ No contemporary or predecessor of al-Tirmidhī is known to have discussed this issue as systematically or to the same extent and degree of sophistication.³⁷ The most important work written by al-Tirmidhī on the subject is *Khatm al-awliyā'* (Seal of the Saints),³⁸ but discussions on sainthood pervade all of al-Tirmidhī's works, such as his works on prophetic traditions, language, or ritual worship and jurisprudence.

Al-Tirmidhī's conception of the saint's journey to God is highly sophisticated and complex, and includes novel categorisations of the saints. These ideas have been summarised by Radtke³⁹ and McGregor.⁴⁰ However, these two excellent summaries rely mostly on one work, *Khatm al-awliyā'*, and do not give a full presentation of the ideas relevant to our main concern, which is the saints' knowledge of the Sharī'a. I will, therefore, present these ideas in a clearer fashion using other works of al-Tirmidhī to

³⁵ Al-Hujwīrī, *Kashf*, 210. Al-Hujwīrī calls the followers of al-Tirmidhī the 'Ḥakīmīs,' one of twelve groups among the Sufis. However he does not say anything about them as a group, only that their teachings focused on the nature of sainthood.

³⁶ Al-Hujwīrī, *Kashf*, 212.

³⁷ Radtke, 'Wilāya,' 48; McGregor, *Sanctity*, 9. Two works by Iraqi contemporaries are known: *al-Awliyā'* by the traditionist Ibn Abī al-Dunyā (d. 281/894), and *Kitāb al-kashf wa-l-bayān* by the Sufi Abū Sa'īd al-Kharrāz (d. 286/899). The first is a collection of narrations starting with statements of the Prophet Muḥammad and followed by stories and statements of early pious figures (Ibn Abī al-Dunyā, *al-Awliyā'*, 9-49). The work by al-Kharrāz is much simpler and smaller in size than al-Tirmidhī's *Khatm al-awliyā'* for example. It discussed issues like the superiority of the prophets over the saints, the difference between the miracles of the prophets and those of the saints, and whether the saints could receive inspiration. (Radtke, 'Wilāya,' 483-6). The doctrine of al-Junayd (d. 298/910) on sainthood was reconstructed from some of his works by Karamustafa (see Karamustafa, 'Walāya,' 64-70).

³⁸ This work was first edited and published under this name, by which it is well known, by Osman Yahya. Radtke then edited it and published it again under the title *Sīrat al-awliyā'*, which he believes is the original title of the work. He also translated it as *The Life of the Friends of God*. However, I have decided to keep the title *Khatm al-awliyā'* as it is the title by which this work is known, and because of the possibility that *Sīrat al-awliyā'* is a different work. I will rely on Radtke's superior edition, however, and therefore in the references it will appear as *Sīrat al-awliyā'*.

³⁹ Radtke, 'Wilāya,' 483-496.

⁴⁰ McGregor, *Sanctity*, 9-16.

paint a more accurate picture of his ideas, and will note the places where the previous studies may have oversimplified or overcomplicated al-Tirmidhī's ideas.

Below the realm of sainthood, at the bottom of the hierarchy, al-Tirmidhī placed the normal believers who are occupied with the world. Above these are the devout worshippers (*'ubbād*) and ascetics (*zuhhād*) whose main goal is Paradise.⁴¹ These two categories remain servants to their own egos, occupied not with God but with His kingdom, whether earthly or paradisaal. These remain within the earthly realm where they receive those benefits that are 'thrown to them on their earth.'⁴² Above the level of the ascetics and devout worshippers is that of the sincere seeker who rectifies his outward states, and then, inspired by the experiences and teachings of the saints, wishes to rectify his inner states and purify his heart. If this seeker's intention is correct, which is not to gain Divine recompense, but rather to be a pure servant of God (*khāliṣ al-'ubūda*), he will be granted access to the realm of sainthood.⁴³ The key for al-Tirmidhī, as he reiterates time after time, is not in one's own effort but in the sincerity of one's intention. This seeker will expend every possible effort to purify his heart but will find that he has failed to do so. In desperation, he will give up all hope in his own efforts and will beg God to rescue him. This is when God's mercy will transport this servant into the realm of sainthood. Within an instant his heart would have flown above the seven heavens to the Station of Proximity (*maḥall al-qurba*) near God's throne. He has been transported from the station of the sincere seekers (*ṣādiqūn*) to that of the purely sincere (*ṣiddīqūn*), who are the saints.⁴⁴

Once a seeker has entered the realm of sainthood, he is not yet a true saint (*walī Allāh*) but rather what al-Tirmidhī calls a *walī ḥaqq Allāh*. This term seems to signify

⁴¹ Al-Tirmidhī, *al-Mufarridīn*, 56-7. Here the hierarchy is as follows: Believers - Ascetics - *ṣiddīqūn* (i.e. *awliyā'*) - *arifūn* (Knowers of God).

⁴² Al-Tirmidhī, *Sīrat al-awliyā'*, 79.

⁴³ Al-Tirmidhī, *Sīrat al-awliyā'*, 4.

⁴⁴ Al-Tirmidhī, *Sīrat al-awliyā'*, 15-18, 31-2.

for al-Tirmidhī that those who have reached this rank are not yet attached to God Himself, but rather to the right due to God, which is worship. The Station of Proximity is a temporary station in which the seeker is placed in order to be purified, with the condition that he is content to remain there, and that he does not attempt to get closer to God through any actions of his own will. If the *walī ḥaqq Allāh* attempts to get closer to God of his own actions rather than remain where he has been placed by God, then that is because of what remains of the hold of his ego and his desires. He will fail to arrive at true sainthood, though he may still be called a saint because he was transported by God to the Station of Proximity. However, such a person will not reach God Himself and will remain in grave danger of falling off the path.⁴⁵ The seeker who remains firm in the Station of Proximity with patience will be purified by lights that come to him from higher stations, until eventually his hidden ego and its evils are vanquished, and he is spiritually elevated. He then reaches the station of true sainthood. The *walī ḥaqq Allāh* is transported in an instant, out of God's generosity, from the Station of Proximity, to God Himself.⁴⁶ Here the journey of the saint is to traverse the different kingdoms of God's Names, in order to know God by His different Names, and different saints stop at different Names according to their ultimate rank.⁴⁷

Al-Tirmidhī equated sainthood with *ṣiddīqiyya*. *Ṣiddīqiyya* is a spiritual rank that comes below the prophets and above the martyrs, as mentioned in the Qur'ān, 'Whoever obeys God and the Messenger will be among those He has blessed: the messengers, the *ṣiddīqūn*, the martyrs, and the righteous' (Q 4:69).⁴⁸ The Qur'ān granted this rank or title to Mary the mother of Jesus: 'his mother was a *ṣiddīqa*,' (5:75) and it is of course a title or rank that was given by the Prophet Muḥammad to his

⁴⁵ Al-Tirmidhī, *Sīrat al-awliyā'*, 17-20; 31-3.

⁴⁶ Al-Tirmidhī, *Sīrat al-awliyā'*, 33.

⁴⁷ Al-Tirmidhī, *Sīrat al-awliyā'*, 33.

⁴⁸ Al-Tirmidhī did not define this term, and in fact challenged claimants to true sainthood to define it as part of his questionnaire for those who claimed sainthood (Al-Tirmidhī, *Sīrat al-awliyā'*, 25). On these four ranks see also Ibn al-Qayyim, *Miftāḥ*, 80.

Companion Abū Bakr al-Ṣiddīq.⁴⁹ In the *ḥadīth* literature, this title of *ṣiddīq* is given to those who possess two complementary qualities of strict truthfulness and firm faith in the truthfulness of the Prophet.⁵⁰ The word *ṣidq*, from which *ṣiddīq* derives, could mean truthfulness or sincerity, and al-Tirmidhī's conception of the *ṣiddīqūn* clearly derives from the second meaning.⁵¹ Al-Tirmidhī never concerned himself with the number of true saints. Al-Hujwārī, who claimed that his section on sainthood is based on the teachings of al-Tirmidhī and his followers, stated that there are 4,000 lower-ranking saints who are not aware of their sainthood, and an assembly of 356 higher-ranking saints.⁵² It is possible that by the 4,000 al-Hujwārī meant the *awliyā' ḥaqq Allāh*. As for the 356, they were mentioned in a prophetic statement that Abū Nu'aym narrated on the authority of Ibn Mas'ūd.⁵³ Al-Tirmidhī himself did not narrate this tradition or refer to it, but he narrated many traditions about the 'forty *abdāl*,' whom he considered to be the highest of the saints. These forty are what is meant by the Prophet's 'family,' 'folk,' or 'household,' (*ahl, āl, ahl al-bayt*) and their presence is a source of safety for the Earth's inhabitants.⁵⁴

⁴⁹ See Ibn al-Qayyim, *Miftāḥ*, 80.

⁵⁰ In a canonical tradition, the Prophet states that those who are very careful to speak only the truth will be granted this appellation in the sight of God (Muslim, *Ṣaḥīḥ*, 4:2013). Abū Bakr was given his title for immediately believing in the Prophet's account of his night journey and ascension (Lings, *Muḥammad*, 103).

⁵¹ See the dream mentioned in his autobiography where the sincerity of the *ṣiddīq* is symbolised by the evergreen myrtle which remains fresh all year long. This is contrasted with the basil which is only fresh in summer, and which symbolises the impetus for worship among the 'ubbād (al-Tirmidhī, *Budū sha'n*, 22). Al-Tirmidhī also gave a description of the *ṣiddīqūn* and their sincerity in *Nawādir*, 2:332-3. Radtke and O'Kane translated *ṣiddīqiyya* as 'strict truthfulness.'

⁵² Al-Hujwārī, *Kashf*, 213-4.

⁵³ Abū Nu'aym, *Ḥilya*, 1:8-9.

⁵⁴ Al-Tirmidhī, *Sīrat al-awliyā'*, 44; *Nawādir*, 1:261-5; 2:97; 3:63. Radtke believed that those forty are the only saints (Radtke, 'Wilāya,' 492), though al-Tirmidhī's wording suggests that they are the highest forty among many others (see *Nawādir*, 2:97). This understanding of the *ahl al-bayt* is another concept that Ibn 'Arabī took from al-Tirmidhī and developed. See Addas, 'The Muhammadian House,' 92.

Among the highest of the saints there is a special category called the *muḥaddathūn*.⁵⁵ They are the elect among God's saints. Unlike the saints below them, these saints are similar to the prophets and messengers in that God chose them and drew them near to Him without a struggle on their part. They, therefore, did not traverse any of the difficulties of the spiritual path like the other saints. Instead, God chose to make their path to sainthood easy and then made them the elites among the saints.⁵⁶ The number of these elect saints is less than ten.⁵⁷ Finally, at the top of the hierarchy is the Seal of Sainthood (*khātim al-wilāya*). He is not called a seal because he is the last of the saints, but rather because he reached a state of perfect sainthood in which there is not a single share for his ego, thus 'sealing' his sainthood.⁵⁸ However, it is not clear if this station is reached by a single person only, as some passages suggest,⁵⁹ or if this is a 'ṭabaqa' or rank that more than one person can reach, as one line suggests.⁶⁰ It is the

⁵⁵ Al-Tirmidhī's contemporary al-Kharrāz also described a hierarchy within sainthood, stating that after the level of the saints there was the final level of the *muqarrabūn* (those brought near to God) (see al-Dhahabī, *Siyar*, 12:421).

⁵⁶ In Radtke's understanding, the *awliyā' ḥaqq Allāh* are those who had to struggle to reach God's nearness, whereas the actual saints are chosen and pulled to God without effort. According to him the actual saints are the *muḥaddathūn*. However, this is not fully accurate. The passages that were quoted earlier make it clear that the majority of saints had to struggle to reach sainthood. At first, through God's mercy, they reached the *awliyā' ḥaqq Allāh* stage. Then, through God's generosity, they reached sainthood. It is only the *muḥaddathūn* among the saints who are the people of election (*ijtibā'*), whom he also calls the *majdhūbūn* (those who were pulled to God), and who did not experience the difficulties or tests of the path (see also al-Tirmidhī, *Sīrat al-awliyā'*, 94-5).

⁵⁷ 'Their number does not reach the number of one's fingers' (al-Tirmidhī, *Sīrat al-awliyā'*, 67). Therefore, they cannot be the forty *abdāl* as Radtke held. This distinction is further supported by a recently published text where al-Tirmidhī provides a hierarchy of *zāhid* - *ṣiddīq* - 'ārif' (al-Tirmidhī, *al-Mufarridīn*, 57). The 'ārif is the *muḥaddath* and is higher than the normal saint. McGregor found a difficulty reconciling two different typologies: the normal saints - *muḥaddathūn* on the one hand, and the *awliyā' ḥaqq Allāh* - *awliyā' Allāh* on the other, stating that the latter typology made the picture 'less clear' (McGregor, *Sanctity*, 12). However, I have presented the ideas in a way that hopefully removes any confusion. The *awliyā' ḥaqq Allāh* are those who have not yet become true saints, and who may progress to true sainthood. The *muḥaddathūn* are the elites among the actual saints. Furthermore the *muḥaddathūn* became saints without passing through the *awliyā' ḥaqq Allāh* stage.

⁵⁸ Al-Tirmidhī, *Sīrat al-awliyā'*, 110.

⁵⁹ e.g. al-Tirmidhī, *Sīrat al-awliyā'*, 110.

⁶⁰ Al-Tirmidhī, *Sīrat al-awliyā'*, 62.

muḥaddathūn who are of most concern to this study. To sum up, al-Tirmidhī's hierarchy of the degrees of sainthood (from bottom to top) is the following:

awliyā' ḥaqq Allāh - awliyā' - abdāl - muḥaddathūn - khātim al-wilāya.

1.3 The Elect Among the Saints

According to al-Tirmidhī, saints possess three particular gifts: the spiritual station and quality of pure sincerity (*ṣiddīqiyya*), as well as clairvoyance (*firāsa*), and divine inspiration (*ilhām*).⁶¹ This inspiration is communication (*najwā*) that is thrown into their hearts.⁶² However, the saint does not have any assurance that this inspiration has not been effected or tampered with by his ego or by Satan.⁶³ The elect among the saints have all of the above, but also receive something else: Heavenly Speech (*ḥadīth*), hence they are called the *muḥaddathūn*, those who receive speech.⁶⁴ This speech comes from God's treasures, which contain His gifts for His chosen servants,⁶⁵ and is

⁶¹ Al-Tirmidhī, *Sīrat al-awliyā'*, 54.

⁶² Al-Tirmidhī, *Sīrat al-awliyā'*, 54. Those who travel the path converse with God (*yunājūn*) meaning that they call out to God in prayer and supplication. The saints might hear a response (*yunājawn*) or receive utterances (*maqālāt*) that are cast into their hearts in the form of light (*idem*, 48).

⁶³ Al-Tirmidhī, *Sīrat al-awliyā'*, 48.

⁶⁴ Or 'those who are spoken to.' Henceforth I will use 'the Elect' rather than the '*muḥaddathūn*.'

⁶⁵ *Khazā'in*: treasures or storehouses. Radtke and O'Kane translated it as treasure chambers. In his work *ʿIlm al-awliyā'* al-Tirmidhī stated that for every name of God there is a treasury beside His throne (see Radtke and O'Kane, *Concept*, 112, n.3). In *Khatm al-awliyā'* al-Tirmidhī mentioned a treasury for the gifts given to the saints called the Treasury of Divine Favours, another treasury for the prophets called the Treasury of Divine Closeness, and a third intermediary Treasury called the Treasury of Running (i.e. Between Both Treasuries) which is for the Seal of Sainthood (al-Tirmidhī, *Sīrat al-awliyā'*, 62). The origin for this expression is most probably the Qur'ān which mentions treasuries of God's mercy (Q17:100) and treasuries of the Heavens and the earths (Q63:7). The context of the latter verse indicates that the treasuries of the earths refers to wealth.

protected by guards, including *sakīna*, which is a spirit that brings peace of mind.⁶⁶ There is a parallel between this speech (*ḥadīth*) and prophecy, which is a different speech (*kalām*) that comes from God (as opposed to God's treasures), and is protected by the Spirit (*rūḥ*).⁶⁷ The Spirit protects divine revelation as it is delivered to the hearts of the prophets and then seals it, and similarly the *sakīna* protects the Heavenly Speech as it enters the hearts of the Elect, and then reassures them about its veracity and removes doubts from their hearts.⁶⁸ This Heavenly Speech either relates to knowledge of God Himself,⁶⁹ glad tidings and support for the recipient,⁷⁰ or matters related to the Sharī'a. In the case of the latter, it gives the Elect an increased understanding of the law that was brought by the Messenger, and can never be anything above the law or contrary to it.⁷¹

1.3.1 The 'Muḥaddathūn' in the Revealed Sources

The *muḥaddathūn* were mentioned in the revealed sources. A tradition mentioning them is narrated in the two great canons of prophetic traditions: *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim*; twice in the former. It is also narrated in Abū 'Īsā al-Tirmidhī's *Sunan* and Aḥmad ibn Ḥanbal's *Musnad*. It states, 'There had been in the

⁶⁶ The *sakīna* is mentioned in the Qur'ān as descending upon the Prophet and the believers (Q9:26; 48:26) and even just upon the hearts of the believers (Q48:4; 48:18). In Judaism, the Shekhinah is understood to be a form of divine presence. Al-Tirmidhī describes the *sakīna* as an active force that can speak, not simply as peace of mind (see al-Tirmidhī, *Sīrat al-awliyā'*, 49). I am grateful to McGregor for explaining both *rūḥ* and *sakīna* as two forms of spirit that accompany these two forms of divine communication. In McGregor's understanding these may be two forms of the same Spirit (McGregor, *Sanctity*, 12).

⁶⁷ The *rūḥ* which is described in the Qur'ān as a vehicle for delivering the revelation to the Prophet Muḥammad is often understood to be Gabriel (26:192-4).

⁶⁸ Al-Tirmidhī, *Sīrat al-awliyā'*, 50-1.

⁶⁹ Al-Tirmidhī, *Sīrat al-awliyā'*, 47.

⁷⁰ Al-Tirmidhī, *Sīrat al-awliyā'*, 51.

⁷¹ Al-Tirmidhī, *Sīrat al-awliyā'*, 50-1.

nations that came before you people who were spoken to. If there are any such people among my nation, then ‘Umar ibn al-Khattāb is one of them.’ The tradition seems to have intrigued these very narrators, as the first three of them followed it with explanations of the term *muḥaddathūn*. Muslim quoted Ibn Wahb (d. 197/818) as saying, ‘the explanation of *muḥaddathūn* is: inspired.’⁷² Abū ‘Īsā al-Tirmidhī quoted Sufyān ibn ‘Uyayna’s (d. 198/813-4) explanation: ‘those who are granted understanding [by God].’⁷³ As for al-Bukhārī, he explained the term by narrating a different version of the same tradition in which the word *muḥaddathūn* is substituted by its synonym *yukallamūn*: ‘they are spoken to, though they are not prophets.’⁷⁴ This more strongly indicates direct speech, and it is of course the same word used to describe God’s communication with Moses in the Qur’ān. Ibn Ḥajar al-‘Asqalānī (d. 852/1448), in his commentary on this tradition, supported this other narration by quoting a tradition in which ‘Abd al-Raḥmān ibn ‘Awf, upon hearing a sermon of ‘Umar, exclaimed, ‘I bear witness that you are one who is spoken to (*mukallam*).’⁷⁵

Perhaps more significantly than the above canonical traditions, however, is that the word *muḥaddathūn* was part of a non-canonical reading of the Qur’ān, and that this reading was preserved in the most authoritative canon of prophetic traditions: *Ṣaḥīḥ al-Bukhārī*. After narrating the Prophet’s statement mentioned above, al-Bukhārī also stated that the Prophet’s cousin Ibn ‘Abbās, the father of Qur’ānic exegesis, used to recite the word *muḥaddathūn* as part of the Qur’ānic verse 22:52. The verse as it is

⁷² Muslim, *Ṣaḥīḥ*, 4:1864.

⁷³ Al-Tirmidhī, Abū ‘Īsā, *Sunan*, 5:622.

⁷⁴ Al-Bukhārī, *Ṣaḥīḥ*, 5:12.

⁷⁵ The tradition comes from Ibn Sa‘d’s (d. 230/845) *Ṭabaqāt*. See Ibn Ḥajar, *Fath al-Bārī*, 7:50. However, as Yohanan Friedmann wrote,

‘The main thrust of the arguments presented by al-‘Asqalānī...reflects the orthodox attempt to divest the *muḥaddathūn* of any prophetic qualities and to discredit any opinion supporting the existence of affinity between them and the prophets.’ (Friedmann, ‘Finality of Prophethood,’ 204).

found in the Qur'ān reads, 'Never have We sent a messenger or a prophet before you (O Muḥammad) except that when he wished [for something], Satan tampered with his wishing.' According to al-Bukhārī, Ibn 'Abbās used to recite, '...a messenger or a prophet or a muḥaddath...'.⁷⁶ According to the great authority on ḥadīth, Ibn Ḥajar, this was narrated by the early traditionist 'Abd ibn Ḥumayd (d. 249/863)⁷⁷ with an authentic chain, and likewise by Sufyān ibn 'Uyayna in his *Jāmi'*.⁷⁸ Al-Suyūṭī mentioned in his Qur'ān commentary that Ibn al-Anbārī likewise narrated this in his book on the variant readings of the Qur'ān, *al-Maṣāḥif*.⁷⁹ It is therefore widely accepted that this word was revealed as part of the Qur'ān, but was later abrogated.⁸⁰ Al-Tirmidhī narrated the tradition of Ibn 'Abbās with his own chain of narrators in *Khatm al-awliyā'*.⁸¹

According to Muslim scholars, there are verses of the Qur'ān that were revealed and then later abrogated. There are three possible scenarios here: abrogation of the rule within a text but not the recitation of the text; abrogation of the recitation of a text but not the rule contained within it; abrogation of both the rule and the recitation.⁸² The verse above however does not contain a rule but a report or an assertion. There is a debate amongst scholars on whether God can abrogate a report or assertion within a

⁷⁶ Al-Bukhārī, *Ṣaḥīḥ*, 5:12.

⁷⁷ He wrote a *musnad*, which is published, and a *tafsīr*. He was one of the teachers of Muslim and Abū 'Īsā al-Tirmidhī.

⁷⁸ Ibn Ḥajar, *Fath*, 7:51.

⁷⁹ Al-Suyūṭī, *al-Durr al-manthūr*, 6: 65.

⁸⁰ Al-Suyūṭī, *al-Durr al-manthūr*, 6:65. Al-Suyūṭī listed four Qur'ānic figures whom he considered to be examples of *muḥaddathūn*: the pious man mentioned in Sūra Yāsīn (36:20-8), Luqmān 'the Wise' (31:12-19), al-Khaḍīr (18:65-82), and 'the believer from among the Pharaoh's household' (4:28-45). What is noteworthy about these figures is that their speech was quoted in the Qur'ān, sometimes at length. It is likely that their speech was seen as having been inspired, much like the Qur'ān is believed to have confirmed many of 'Umar's statements and judgements (see al-Suyūṭī, *al-Itqān*, 1:127-9; *Tārīkh al-khulafā'*, 1:99-101).

⁸¹ Al-Tirmidhī, *Sīrat al-awliyā'*, 50.

⁸² Weiss, *God's Law*, 515. For a full discussion of this issue as it relates to legal matters see pp. 515-19. See also al-Suyūṭī, *al-Itqān*, 3:70-88.

verse.⁸³ Al-Tirmidhī implied that the report in this verse is not of the type that would be abrogated. Therefore, while the recitation of the verse may have been abrogated for a wisdom, the information within it is still true. He did this by likening it to another Qur’ānic verse that was also abrogated in terms of recitation, but that simply contained an assertion that was still true: ‘If the offspring of Adam possessed two rivers of gold, they would desire a third one besides.’⁸⁴ Therefore, al-Tirmidhī was saying that though the word was removed from the Qur’ān, it was still an authentic divine revelation whose meaning remained true. It is clear then that these *muḥaddathūn*, as a category of inspired people, were well known in early Islam as they were mentioned in the Qur’ān and the canonical traditions, and many explanations of the term *muḥaddathūn* are attributed to different early Muslim scholars.⁸⁵ However, it is not known that anyone spoke at length about them or gave a similar explanation of the speech that they received or heard, other than al-Tirmidhī.

1.3.2 The Rank and Role of the Elect

The non-canonical Qur’ānic reading mentioned above places the *muḥaddathūn* next to the messengers and prophets: ‘*Never have We sent a messenger, a prophet, or a muḥaddath...*’ Similarly, the traditions suggest that they receive speech or are addressed ‘though they are not prophets’ as the secondary narration by al-Bukhārī stated. These traditions suggest a degree of similarity between the prophets and the Elect. Al-Tirmidhī developed his ideas further by stating that the *muḥaddathūn* had a great share of prophethood. All believers have a share of prophethood, which is in their virtuous behaviour, right guidance, the possession of certain character traits, and in seeing dream

⁸³ Weiss, *God’s Law*, 519-520.

⁸⁴ Al-Tirmidhī, *Sīrat al-awliyā’*, 47. On this verse see al-Suyūṭī, *al-Itqān*, 3:83.

⁸⁵ Friedmann saw in this plethora of explanations about the term quoted in Ibn Ḥajar’s commentary, a ‘debate concerning the spiritual role of the *muḥaddathūn*,’ seemingly prompted to a large extent by ‘attitudes such as those reflected in *Khatm al-awliyā’* (of al-Tirmidhī).’ (Friedmann, ‘Finality of Prophethood,’ 204).

visions that came from God; however, the share of the Elect is much higher. Al-Tirmidhī used two canonical prophetic statements as a basis for this claim. The first is the tradition that states, ‘Adopting a middle course, right guidance, and virtuous behaviour constitute one portion of the twenty four portions of prophethood.’⁸⁶ The second states: ‘The dream vision of the believer is one portion out of forty-six portions of prophethood.’⁸⁷ In *Nawādir al-uṣūl* he wrote,

If speech (*kalām*) directed to the spirit in a dream is one of the forty-six parts of prophethood, then speech that reaches the heart in a waking state is more than one third of prophethood.⁸⁸

In *Khatm al-awliyāʾ* he further said that while some of the Elect have one third of the portion of prophethood, others of higher rank have half, and others even more. The highest in share of prophethood is the one who possesses the Seal of Sainthood, but al-Tirmidhī did not disclose how much of prophethood he believed this person to have, as even some of his students had difficulty with the concept that saints had a share of prophecy.⁸⁹ The Elect among the saints, no matter how much their portion of prophethood, do not have prophethood itself, and can never be equal to the prophets in rank.⁹⁰ It is noteworthy in this regard that the multiple traditions about the ‘forty *abdāl*’ state that thirty of them are ‘upon the heart of Abraham,’ or ‘have a degree of certainty equal to that of Abraham.’⁹¹

⁸⁶ Al-Tirmidhī, *Sīrat al-awliyāʾ*, 47. This is a canonical tradition narrated by al-Bukhārī in *al-Adab al-mufrad*, Abū ʿĪsā al-Tirmidhī in his *Jāmiʿ*, Abū Dāwūd in his *Sunan*, Aḥmad ibn Ḥanbal in his *Musnad*, and others. Most have the fraction at 1/25th rather than 1/24th.

⁸⁷ Al-Bukhārī, *Ṣaḥīḥ*, 9:30. Also narrated by Mālik, Muslim, al-Tirmidhī, Abū Dāwūd, Ibn Māja.

⁸⁸ Al-Tirmidhī, *Nawādir*, 1:392; also see Radtke and O’Kane, *Concept*, 236.

⁸⁹ Al-Tirmidhī, *Sīrat al-awliyāʾ*, 47.

⁹⁰ Al-Tirmidhī, *Sīrat al-awliyāʾ*, 54, 84.

⁹¹ Al-Tirmidhī, *Nawādir*, 1:261-2. For more narrations see al-Suyūṭī’s treatise on the existence of the *abdāl* (al-Ṣuyūṭī, *al-Khabar al-dāl*, 291-307).

If the verse of the *muḥaddathūn* stated that they were ‘sent,’ it does not mean that they were sent to communities in the way that messengers were sent. Rather, they were sent from God, not by God, that is: after having reached spiritual heights, they now had a role to play on Earth. For example, God used the same word ‘sent’ to describe the people He sent to punish the Israelites (Q 17:5).⁹² This role is similar to that of pre-Islamic prophets. According to al-Tirmidhī’s definition, messengers were those who received prophecy and were commanded to deliver a message to people; this role of delivering the message is what made them messengers rather than prophets; furthermore, the prophecy that they received included a law for the people to live by. As for the prophets who came after the messengers, the prophecy that they received was for their own benefit. However, if they were asked, it was their duty to explain and teach people what they knew, and to call them to God, counsel them, and clarify to them how best to follow the law brought by the messenger who had come before them. The role of the Elect among Muḥammad’s followers is similar to the role of the prophets among the followers of earlier messengers. What they receive is an increased understanding of the law through which they can guide people to follow the law of Muḥammad, answer their questions, and give them counsel. There is one major difference however. What prophets received was revelation: God’s speech. Rejecting that entailed *kufṛ* (disbelief). What the Elect receive is knowledge of God or an increased understanding of God’s speech, but not God’s speech (revelation) itself. It is simply bestowed upon its recipient because of God’s love of him. Therefore, those who reject it are not disbelievers. The Elect want that which is good for the people, and those who reject them lose out on this good, and lose out on the blessings of the Elect and their light.⁹³ In a famous canonical tradition about the saints on the authority of Abū Hurayra, the Prophet related that God stated, ‘When I love [my servant] I become his hearing with which he hears, his seeing with which he sees, his hand with which he strikes and his foot with which he walks.’⁹⁴

⁹² Al-Tirmidhī, *Sīrat al-awliyāʾ*, 50-1.

⁹³ Al-Tirmidhī, *Sīrat al-awliyāʾ*, 46-7; 51-2.

⁹⁴ Al-Bukhārī, *Ṣaḥīḥ*, 8:105.

A less canonical version preferred by al-Tirmidhī on the authority of ‘Ā’isha includes, ‘[and I become] his heart with which he understands.’⁹⁵ Al-Tirmidhī understood this tradition to refer not to all saints but to the *muḥaddathūn*. Their hearts are in the grasp (*qabḍa*) of God, and so their intelligence ‘has become extinguished in the Supreme Intelligence (*al-‘aql al-akbar*).’ Their limbs no longer move at the command of any lusts or desires, rather, God controls them, and they are His agents on Earth.⁹⁶ When they speak, they only speak the truth, and when they judge, they judge justly. Their understanding of the Sharī‘a is inspired.⁹⁷ As such, the Elect deserve to be the leaders of the Muslim community. The Qur’ān states, ‘O you who believe, obey God and the Messenger and those possessing authority (*ulūl-amr*) among you’ (Q 4:59). Sunnī scholars traditionally held that obeying God meant following the Qur’ān and obeying the Messenger, after his passing, meant following his Sunna. They differed after that on the meaning of the people possessing authority. There were those who understood it to refer to military and political leaders, and those who understood it to refer to religious scholars.⁹⁸ Al-Tirmidhī agreed that God’s command could be found in the Qur’ān and the Messenger’s command could be found in his Sunna. In terms of the people

⁹⁵ Al-Tirmidhī, *Sīrat al-awliyā’*, 34; Ibn Abī al-Dunyā, *al-Awliyā’*, 23.

⁹⁶ Al-Tirmidhī, *Sīrat al-awliyā’*, 34, 67. Al-Tirmidhī also calls them the ‘people in God’s grasp’ (*ahl al-qabḍa*). The most detailed discussion by al-Tirmidhī on this issue is in *Adab al-naḥs*, 42-52 (see also *al-Furūq*, 192-3). Elsewhere al-Tirmidhī explicitly states that the ‘people in God’s grasp’ are an elite rank above the *ṣiddīqūn* (*al-Furūq*, 291).

⁹⁷ Al-Tirmidhī, *al-Furūq*, 368.

⁹⁸ Or both. See al-Ṭabarī, *Jāmi‘ al-bayān*, 7:175-181; Ibn Kathīr, *Tafsīr*, 2:304. For the Twelver Shī‘a, who would only crystallise as a movement after al-Tirmidhī’s passing, this verse referred to the infallible imams from among the Prophet’s descendants (al-Ṭūsī, *al-Tibyān*, 4:59).

possessing authority, he agreed with the second opinion, except that he restricted it to a very select group of learned men (or women): the Elect.⁹⁹

1.3.3 The Knowledge of the Elect

The knowledge of the Elect consists of four branches.¹⁰⁰ They are:

- 1) Knowledge of the beginning of creation (‘ilm al-*badʿ*).¹⁰¹
- 2) Knowledge of the Day of the Covenant (Q 7:172)
- 3) Knowledge of God’s decrees (‘ilm al-*maqāḍir*)
- 4) Knowledge of the letters of the alphabet (‘ilm al-*ḥurūf*)

These four types of knowledge are the ‘foundations’ of what al-Tirmidhī terms the ‘supreme wisdom’ (*al-ḥikma l-ʿulyā*).¹⁰² It is the knowledge of God’s decrees which relates to the Shariʿa, because it reveals the inner workings of the Law, meaning, the

⁹⁹ Al-Tirmidhī, *al-Furūq*, 368, 380. As stated in a previous note, Radtke believed that the saints were forty in total, the *abdāl*, and that they were the leaders of the community after Muḥammad’s passing. He did not hold this opinion based on these passages in *al-Furūq* which state that the Elect were ‘those possessing authority,’ but rather because of a passage in *Khatm al-awliyāʾ* which states that after Muḥammad’s passing, God ensured the existence of forty saints on Earth (see Radtke, ‘Wilāya,’ 292; al-Tirmidhī, *Sīrat al-awliyāʾ*, 44). However, a chapter in *Nawādir al-uṣūl* makes it clear that the role of the forty *abdāl* was not an active one. Rather, with the passing of the Prophet who was the locus of God’s remembrance, forty saints were needed to replace the Prophet as the loci of God’s remembrance on Earth. Their hearts remembered God without distraction and their faith was unadulterated. Had it not been for the existence of these loci of remembrance on Earth, the Earth would lose all sanctity and destructive tribulations would bring about its corruption and ruin. They, therefore, are not the leaders of the Muslims, but they play a more general role in preserving the entire Earth from ruin, as per the wording of the prophetic traditions regarding them: ‘It is for their sake that rain comes down, that victory is given over enemies, and that tribulations are averted from the inhabitants of the Earth.’ (See the 222nd *aṣl* in al-Tirmidhī, *Nawādir*, 3:61-9). These forty *ṣiddīqūn* correspond to the thirty-six Tzadikim in Judaism who have the same role of justifying the existence of the world in the eyes of God, and without whom the world would end. As for the small number of the Elect, who may be from among the forty, they deserve to be the active leaders of the Muslim community as its authoritative guides to the application of the Shariʿa.

¹⁰⁰ In *Khatm al-awliyāʾ* he uses the expression ‘the chiefs (or greats) among the saints’ (*kubarāʾ al-awliyāʾ*) (al-Tirmidhī, *Sīrat al-awliyāʾ*, 58). Elsewhere they are identified as the *muḥaddathūn* and the ‘people in God’s grasp’ (al-Tirmidhī, *al-Furūq*, 368, 380).

¹⁰¹ Radtke and O’Kane translated it as ‘primordial beginning.’ (Radtke and O’Kane, *Concept*, 126).

¹⁰² Al-Tirmidhī, *Sīrat al-awliyāʾ*, 58. I have reversed the ordering of the middle two.

‘reasoning’ behind it, and therefore it is the source of the increased understanding of the law that the Elect possess. This knowledge itself comes from the knowledge of the twenty-eight letters of the alphabet, which are the root or foundation of all knowledge, including the three above it. Al-Tirmidhī wrote,

All branches of knowledge are contained within the letters of the alphabet. This is because the beginning of all knowledge is in the names of God. From [the names of God] emerged God’s creation of the world and His governance of it. Likewise (from the names of God) emerged His judgements regarding what He made permissible and what He made impermissible. The names themselves appeared from the letters, and return to the letters. This is a hidden science, understood only by the saints whose intellects understand through God, and whose hearts are attached to God...[For them] the veils over these letters, as well as the attributes of God’s essence, have been lifted.¹⁰³

Furthermore, the names of things point to their inner realities or qualities. The Qur’ān states that God taught Adam ‘the names’ (Q 2:31). Adam was not only taught the names of things but was also taught the knowledge or science of the letters. This gave him the ability to know the true inner substance and reality of every created thing. The Elect among the saints also possess this knowledge.¹⁰⁴ These branches of knowledge give the Elect the ability to understand God’s revelation and His Sharī‘a in a way that makes them equipped to practice *ijtihād*, as will be explained in the next chapter. Al-Tirmidhī was highly concerned with this matter of explaining the wisdom behind the Sharī‘a. He authored several texts with the aim of illuminating the wisdom behind God’s laws based on his inspired knowledge. The most important of these works are:

1. *Nawādir al-uṣūl*. It is al-Tirmidhī’s most voluminous and well known work, in which he narrated and used prophetic traditions as a starting point for his discussions

¹⁰³ Al-Tirmidhī, *Ṭaḥṣīl*, 104-5. Therefore al-Tirmidhī’s hierarchy of knowledge, as it relates to the Sharī‘a, is the following (from top to bottom): knowledge of the letters - knowledge of the names of God - knowledge of God’s decrees - knowledge of the Sharī‘a.

¹⁰⁴ See the passage from *‘Ilm al-awliyā’* translated in Radtke and O’Kane, *Concept*, 223-4. See also ‘Abdullāh, *al-Ḥakīm*, 261; Sviri, ‘Words of Power,’ 211-2.

of a wide range of topics. In this work, al-Tirmidhī interpreted many of the traditions by way of inspired knowledge. Al-Ḥusaynī believes this to be al-Tirmidhī's earliest work, because it is mentioned in most of his later works, and because despite its large size, it does not mention any of his other works.¹⁰⁵

2. *Kitāb al-ṣalāt*. In this work, al-Tirmidhī gave inspired explanations of the rituals of the prayer.
3. *Kitāb al-ḥajj*. This work is like the work above, except that it deals with the rites of Pilgrimage. Al-Tirmidhī referred to it in his refutation of analogy in *al-Furūq*.¹⁰⁶
4. *Kitāb ʿilal al-ʿibādāt*. A work dedicated to the wisdom behind prayer and some connected matters like the ritual bath and the use of the *siwāk* toothbrush.
5. *Kitāb al-manhiyyāt*. This is a work devoted only to the prophetic traditions that deal with prohibitions. In it, al-Tirmidhī explained more than 800 prophetic traditions, to show that the prohibitions in them are based on truth (*ḥaqq*), and that they are to prevent the believer from harm on his path to his Lord. He frequently gave inspired explanations for these prohibitions. In his introduction to the work he wrote, 'We have found that prohibitions from [the Prophet] (peace be upon him) are of two types: prohibition of *tahrīm* (actual prohibition, meaning that doing what is prohibited is *ḥarām* or forbidden and constitutes a sin), and prohibition of *ta'dīb* (teaching propriety). Whoever leaves the propriety descends from its (high) rank, but whoever jumps at the forbidden falls into perdition.'¹⁰⁷ Here we see al-Tirmidhī using the word '*adab*' or propriety as the reason behind a great deal of the Sharī'a's teachings, and explaining that not all prohibitions deal with sinful or destructive matters. This

¹⁰⁵ Al-Ḥusaynī, *al-Maʿrifa*, 22.

¹⁰⁶ A book attributed to al-Tirmidhī by this name (more fully: *al-Ḥajj wa-asrāruḥ*) was published in Cairo in 1970 by Ḥusnī Naṣr Zaydān. Radtke and O'Kane, however, list this book among those 'incorrectly attributed to Tirmidhī, at least in their present form' (Radtke and O'Kane, *Concept*, 3).

¹⁰⁷ Al-Tirmidhī, *al-Manhiyyāt*, 6.

division of Prophetic prohibitions in particular was held by some early scholars.¹⁰⁸ However, most scholars give sinful acts the value judgement of *ḥarām* (forbidden), and assign the value judgement *makrūh* (disliked) for things that are best avoided, and they do not employ the division used by al-Tirmidhī. Sufis have always emphasised the proper set of proprieties or *ādāb* that the Sufi must observe with his Creator, with the rest of creation, and with his own self, and so did al-Tirmidhī.¹⁰⁹

6. *Al-Akyās wa-l-mughtarrīn*. This is a work in which al-Tirmidhī critiqued different types of religious groups in his times for their shortcomings, such as the jurists, the traditionists, the mystics, and the ascetics. In his criticism of the jurists he criticised their legal methodology. Likewise, his discussion of the traditionists emphasised the need for wisdom and inner illumination in order to be a good traditionist. Nicholas Heer and Osman Yahya believe that al-Ghazālī (d. 505/1111) benefited from this work when writing Book Thirty of his *Iḥyā'*: 'On Condemnation of Self-Delusion.'¹¹⁰

It was published in 1989 under the name *Ṭabā'ī al-nufūs*.¹¹¹

7. *Al-Furūq wa-man al-tarāduf*. This is the work in which al-Tirmidhī discussed his views on *ijtihād* and analogy in the most depth. Each chapter of this book discussed the difference between two similar concepts, and the final and longest chapter is dedicated to the difference between inspired *ijtihād* and the rationalistic legal reasoning of the jurists. Al-Tirmidhī discussed his ideas on the subject at length and

¹⁰⁸ Al-Shāfi'ī (d. 204/820) upheld this division in his works (see al-Shāfi'ī, *al-Umm*, 7:305; *al-Risāla*, 1:343-53), as did Aḥmad ibn Ḥanbal (d. 241/855) (see Abū Ya'ālā, *al-Udda*, 2:425-6). According to the early scholar Sallām ibn Abī Muṭī' (d. 164/780 or 781), the Companion 'Abdullāh ibn 'Umar rebuked his student Abū Dakhīla for paraphrasing his statement that the Prophet forbade act x as 'the Prophet declared act x to be *ḥarām*.' After narrating this incident on the authority of Abū Dakhīla's son, Sallām commented, 'It is as if [Ibn 'Umar] was saying that from amongst the Prophet's prohibitions there were things prohibited for the sake of *adab*' (See the discussion in Ibn Rajab, *Jāmi'*, 2:158-160).

¹⁰⁹ See Ohlander, 'Adab, in Ṣūfism,' in EI3; al-Tirmidhī, *Adab al-naḥs*, 63-6.

¹¹⁰ Al-Tirmidhī, *Ithbāt al-īlāl*, 27.

¹¹¹ Al-Tirmidhī, *Ṭabā'ī al-nufūs*, ed. Aḥmad al-Sāyih, Cairo: al-Maktab al-Thaqāfi, 1989. I have not been able to consult this work.

gave detailed examples of faulty analogical reasoning. He provided very lengthy explanations, in some instances at least, of what he argued was the true understanding of the jurisprudential matters that he discussed. We will look at his arguments in depth in the following chapter.

8. *Kitāb ithbāt al-‘ilal*. In this work, al-Tirmidhī aimed to show the wisdom behind different rituals in the Sharī‘a, covering all the five pillars of Islam as well as other commandments, prohibitions, and prophetic practices. He began the work by defending the view that everything in the Sharī‘a has a purpose. It is also one of the two works, the other being *Khatm al-awliyā’*, that are said to have caused his persecution and caused him to leave his home town of Tirmidh.¹¹² We will look at important passages from this work in the next chapter. However a summary of its introduction is also of benefit. In his introduction al-Tirmidhī gave his arguments in support of the existence of *ratios* behind the divine injunctions, and built his case for the ability of the People of Wisdom to discover these *ratios*.

Al-Tirmidhī wrote *Kitāb ithbāt al-‘ilal* in response to a request that he speak on a matter that had divided the people of his time: whether or not there was a *ratio legis* behind each of God’s commands and prohibitions, and if they did exist, to explain these *ratios*.¹¹³ He began by proving the existence of *ratios* by quoting Qur’ānic verses in which explanations were given for some commandments in the Sharī‘a. He then argued that, even if the commands and prohibitions were only there to test people’s obedience, they would either have to be arbitrary, or there was a wisdom behind them. Since no one would dare say that God’s commands and prohibitions were simply arbitrary, and thus more akin to play, then there must be a wisdom behind them; those who deny that are simply deprived of knowing it. Al-Tirmidhī discussed why most people were deprived of this wisdom, and how it may be obtained. Al-Tirmidhī went on to define wisdom as

¹¹² Zahrī (ed.) in al-Tirmidhī, *Ithbāt al-‘ilal*, 18.

¹¹³ Al-Tirmidhī, *Ithbāt al-‘ilal*, 67.

the knowledge that underlies the law, like a kernel within the shell; it is from the kernel, not from the shell, that one derives benefit, he said.¹¹⁴

In order to support his understanding of wisdom, al-Tirmidhī quoted two Qur’ānic verses showing that wisdom is not given to everyone, but rather to God’s chosen ones who,

...struggled against their own selves for the sake of God, emptied their chests from love of the self and its desires, and so deserved His mercy and were supported by light. When the light shone in their chests, they were able to see the wisdom with the eyes of their hearts.¹¹⁵

He began with the verse that says, ‘He grants wisdom to whom He wills, and he who is given wisdom has been given a lot of good.’ This establishes that wisdom is not given to anyone. The verse then continues, saying, ‘None will remember except those of understanding’ (Q 2:269). The word for understanding, or mind (*lubb*), is the same word for kernel, and the verse could be understood to mean, ‘the people of the kernel.’ The verse ‘We have given wisdom to Luqmān’ (Q 31:12) further confirms for al-Tirmidhī that wisdom is only given to God’s chosen ones.

Al-Tirmidhī used two sayings of the Prophet Muḥammad about the Qur’ān to further support this. The first states, ‘For each of its verses there is an outward and an inward (meaning).’ In the other tradition, the Prophet was asked by his Companions why they found such pleasure in listening to his recitation of the Qur’ān in prayer, and did not find the same pleasure when they recited it in their own homes. The Prophet is said to have replied, ‘That is because you read it for its outward, and I read it for its inward.’ Al-Tirmidhī commented on this, saying,

¹¹⁴ Al-Tirmidhī, *Ithbāt al-‘ilal*, 69.

¹¹⁵ Al-Tirmidhī, *Ithbāt al-‘ilal*, 75.

We understand it to mean that when he used to recite, he would be viewing the wisdom, and so the listener would find pleasure from his recitation, because it is was recitation that was clothed with the light of wisdom.¹¹⁶

The final step for al-Tirmidhī was to apply this understanding of wisdom to the Sharī‘a, and to the concept of understanding the *ratio legis*. For this he quoted al-Ḥasan al-Baṣrī (d. 110/728) as having said,

Those *ratios* that we understood by way of wisdom, we spoke about and clarified in order to explain the wisdom behind them. We did not make judgements about what God made unseen. That which remained hidden from us, we simply accepted it, and we preserved our servanthood in acting upon it.¹¹⁷

With this evidence, al-Tirmidhī began his task of explaining the *ratio legis* or wisdom behind the Sharī‘a and its practices. As Khālīd Zahrī pointed out, al-Tirmidhī’s inspired explanations of the *ratio legis* of different parts of the law were often inspired by explanations from the Qur’ān and Sunna themselves, and sometimes inspired by the language and structure of the terms whose *ratios* he was explaining. To give a few examples, he linked the word *tahīyyāt* (greetings) to God’s name *al-Ḥayy* (the Living), the fasting in Ramadan to the burning (*irmāḍ*) of sins, and the compulsory alms-giving *Zakāt* to growth (*zakā’*) in the giver’s wealth.¹¹⁸ While these examples do not represent the majority of his explanations, they are important to note because Ibn ‘Arabī would also use the similar technique.

¹¹⁶ Al-Tirmidhī, *Ithbāt al-‘ilal*, 75. The Medinan scholar Ja‘far al-Ṣādiq (d. 148/765) is reported to have preceeded al-Tirmidhī in attributing different layers of meaning to the Qur’ān. He stated that the Qur’ān’s clear expressions were for the laymen, its allusions were for the scholars, its subtleties were for the saints, and its realities were for the prophets (Sands, *Sufi Commentaries*, 13). I translated *khawāṣṣ* as scholars rather than ‘elites’ in this context. There is a partial Sufi commentary on the Qur’ān attributed to al-Ṣādiq (see Sells, *Early Islamic Mysticism*, 75-89).

¹¹⁷ Al-Tirmidhī, *Ithbāt al-‘ilal*, 77.

¹¹⁸ Zahrī (ed.) in al-Tirmidhī, *Ithbāt al-‘ilal*, 48.

1.4 Conclusion

The purpose of this chapter was to provide a clear and comprehensive picture of al-Tirmidhī's highly sophisticated and original conception of sainthood in general. Al-Tirmidhī, like some of his contemporaries, spoke of a hierarchy within sainthood, distinguishing between the normal saints and the Elect among them whom he called the *muḥaddathūn*. These Elect were just below the prophets in rank, and shared a greater portion of prophethood than the other believers. This share included their greater character traits, their knowledge, and most importantly, the types of inspiration that they received. All saints possessed clairvoyance and inspiration, but the Elect also received Heavenly Speech which could give them certain knowledge. This certain knowledge provided them with a greater understanding of the Sharī'a. Furthermore, the hearts of these Elect were in God's grasp, meaning that their thoughts and actions were divinely guided. They spoke the truth and their judgements were just. Al-Tirmidhī believed that these qualifications meant that the Elect were the most authoritative guides to understanding and applying God's Law, and that they were the ones whose obedience was made necessary in the Qur'ān after God and His Messenger. However, those who disobeyed them did not exit the fold of Islam because what they brought was not divine revelation, and the Heavenly Speech that they received was unlike God's own speech, the Qur'ān. Those who rejected the guidance of the Elect were deprived of their light, guidance, and blessings. These ideas formed the underlying basis for al-Tirmidhī's critique of the authority of the jurists and of their ability to interpret God's commands and prohibitions. Al-Tirmidhī argued that it was the Elect who were most equipped to practice *ijtihād*. The next chapter will deal with his criticism of rationalist legal thought, and his proposed alternative: the inspired *ijtihād* of the Elect. As we will show in Chapter Three, the ideas presented here directly influenced Ibn 'Arabī's own conception of sainthood and of *ijtihād*.

Chapter 2: Al-Tirmidhī on Juristic Method

This chapter will investigate al-Tirmidhī's critique of legal theory in his time, and his proposed alternative, which is based on his concept of sainthood. Before presenting al-Tirmidhī's ideas, it would be helpful to give a brief sketch of the intellectual environment of his time as well as the different approaches to jurisprudence.

2.1 The Major Schools in the Age of al-Tirmidhī

The age in which al-Tirmidhī lived was characterised by a clash of approaches to jurisprudence. After the passing of the Prophet and the generation of his immediate followers (the Companions), scholars were left with the task of creating a system of thought capable of responding to new issues for which there was no direct guidance in the Qur'ān and Sunna. There were not yet schools of jurisprudence (*madhhabs*) during the 2nd/8th century, but there were a number of scholars who rose to prominence for their knowledge and piety, and developed their own personal approaches or legal doctrines for the process of *ijtihād*. As Wael Hallaq showed, these doctrines were not binding upon those who chose to adhere to them and apply them.¹¹⁹ Starting mainly from the middle of the 3rd/9th century, schools of jurisprudence began to arise based on the doctrines of some of these scholars and their students, and each school had its own unique theoretical principles and body of individual opinions. As these schools matured, *taqlīd* or the notion of the authoritativeness of the opinions of the schools, and of the importance of following the principles of a single school, came to prominence. Hallaq wrote,

Taqlīd was the external expression of the internal juridical dynamics that came to dominate and characterise the *madhhab* both as an established and authorised body of doctrine and as a delimited hermeneutical enterprise. One of the functions

¹¹⁹ Hallaq, 'Regional,' 21.

of *taqlīd* was the defence of the school as a methodological and interpretive entity, an entity that was constituted of identifiable theoretical and substantive principles.¹²⁰

The schools that emerged were many, but could be roughly grouped into two larger movements: the Traditionalists (*ahl al-ḥadīth*)¹²¹ and the Rationalists (*ahl al-ra'y*).¹²² Each of these movements consisted of different groups, for which these terms could carry very different meanings. There were two types of reasoning that were referred to as *ra'y*. The first was that of 'free human reasoning based on practical considerations and bound by no authoritative text.'¹²³ This type was not widely used and did not survive past the second Islamic century.¹²⁴ The second type was free reasoning that was based on an authoritative text but was also 'motivated by practical considerations.'¹²⁵ This type of reasoning became stricter, more systematised, and relied increasingly on prophetic traditions as its textual basis instead of the authorities of later generations or inherited practice.¹²⁶ By the beginning of the 3rd/9th century, the term

¹²⁰ Hallaq, 'Regional,' 21.

¹²¹ The term 'traditionalist' indicates 'someone who systematically prefers to base his law and theology on textual sources as opposed to speculative reasoning' which is different from 'traditionist' which indicates a *muḥaddith*, 'someone who studies and transmits *ḥadīth*, whatever his theological inclination' (Melchert, Traditionist-Jurisprudents, 386).

¹²² It is important to note that the word *ra'y* (lit. opinion) sometimes referred to the considered judgement of a scholar, or the product of his *ijtihād*, based on the Qur'ān and Sunna or materials of religious authority (see Hallaq, *History*, 15). Likewise, the expression 'the People of *ra'y*' could refer to scholars whose judgements were deemed authoritative or strong, regardless of their methodology or the camp to which they belonged. In this context, this expression could be understood to mean 'the people of good sense' as Hallaq translated it (Hallaq, *History*, 15). This was regardless of whether they were people who relied more on prophetic traditions or on reason and free thinking. However, the term *ra'y* became mostly associated with types of reasoning by legal jurists, and that is where the division between the Rationalists and Traditionalists was created.

¹²³ Hallaq, *History*, 15.

¹²⁴ Hallaq, *History*, 19.

¹²⁵ Hallaq, *History*, 15.

¹²⁶ Hallaq, *History*, 19.

ra'y became associated with systematic analogy-based reasoning, called *qiyās*.¹²⁷ *Qiyās* is an extension of the Lawgiver's rulings on certain acts (such as obligations and prohibitions), to other similar acts which are not mentioned in the Sharī'a. For example, if the Prophet stated that act 'x' is prohibited because of quality 'y,' then other acts that also shared 'y' quality would be deemed prohibited as well by the jurists. The 'y' quality is the effective cause for the Divine ruling, the *ratio legis* ('*illa*'). In most cases the *ratios* for divinely revealed rulings were not stated and had to be discovered by the jurists.¹²⁸ This meant that if new cases arose for which the Qur'ān and *ḥadīth* literature did not provide a direct ruling, the jurist, by using *qiyās*, would search for a 'parallel textual case for which a solution is provided. If the new case has the same *ratio legis* ('*illa*') as that given to the parallel textual case, the ruling in the text must be transferred to the new case.'¹²⁹ For our purposes, it is important to note that the metaphor of a tree was used in the terminology of analogical reasoning. A new case was called a *far'* (lit. branch) and the original textual case with which it was compared was called an *aṣl* (lit. source or stem).¹³⁰ Difference of opinion on the use of rational methods like analogical reasoning, as well as the extent to which they were used, were the main factors separating the different schools and approaches by al-Tirmidhī's time.

During al-Tirmidhī's lifetime, the spectrum of schools ranged from the Ḥanafī school on one side, who were seen as those who used analogy-based reasoning the most, to the Zāhirīs and the Traditionist-Jurisprudents on the other side of the scale. Ibn

¹²⁷ The term *qiyās* does not always refer to analogical arguments. As Hallaq noted, *qiyās* 'cannot be given the fixed definition of analogy. Instead, it should be a relative term whose definition and structure vary from one jurist to another' (Hallaq, 'Non-Analogical Arguments,' 305). For non-analogical arguments that many Sunni jurists label as a type of *qiyās* see Hallaq, *History*, 96-104; 'Non-Analogical Arguments,' 286-306. One of these is the *mafhūm al-muwāfaqa* which is discussed in Chapter Four, Section 4.1.3. However, here I give the example of the main type of reasoning that is meant when the word *qiyās* is used, which is analogical reasoning.

¹²⁸ An overview of the three main methods for inferring the *ratio legis* is given in Hallaq, *History*, 88-95.

¹²⁹ Hallaq, *History*, 20, 23.

¹³⁰ Hallaq, *History*, 84.

al-Nadīm (f. 377/987-88) mainly equated the Rationalists with the Ḥanafī school, although he seemed to place the formation of the school not in the lifetime of its eponym Abū Ḥanīfa (d. 150/767), but around the death of his two most famous disciples, Abū Yūsuf (d. 182/798) and Muḥammad al-Shaybānī (d. 189/804-5).¹³¹ Other schools included the Shāfi‘ī school of Muḥammad ibn Idrīs al-Shāfi‘ī (d. 204/820), a traditionalist school in that it advocated the systematic use of prophetic traditions as the basis of its jurisprudence, and yet also accepted the use of *qiyās*, as well as the Mālikī school named after its founder Mālik ibn Anas (d. 179/795).¹³²

On the other end of the traditionalist scale were the Traditionist-Jurisprudents and the Zāhirīs. The Traditionist-Jurisprudents were *ḥadīth* specialists who expended their efforts on the learning and transmission of prophetic traditions in order to provide an authoritative text for every problem that was posed. This group included the likes of ‘Abd al-Razzāq (d. 211/827), Ibn Abī Shayba (d. 235/849), Ishāq ibn Rāhwayh (d. 238/853), and Aḥmad ibn Ḥanbal (d. 241/855). A distinctive feature of these traditionists was that their answer to problems of jurisprudence was simply a narration or a set of narrations of relevant traditions. Most of them authored works known as *al-Sunan*, which had the format of books of jurisprudence but were mostly composed of *ḥadīth* narrations.¹³³ As Melchert said of Ibn Ḥanbal’s approach - and this was true of

¹³¹ On the equating of the Ḥanafīs to the Rationalists, see Melchert, ‘Traditionist-Jurisprudents,’ 385. On the dating of this school see Stewart, ‘Structure of the Fihrist,’ 374. These recent studies by Melchert and Stewart have shown the importance of Ibn al-Nadīm as a historian of the early schools of law, and the careful thought that he put into studying, categorising, and dating these schools.

¹³² Ibn al-Nadīm considered them two distinct groups, neither among the Rationalists, nor among the Traditionist-Jurisprudents (see Melchert, ‘Traditionist-Jurisprudents,’ 385). The traditionist Ibn Qutayba (d. 276/889), from the point of view of a Traditionist-Jurisprudent like his teacher Ishāq ibn Rāhwayh (d. 238/853), classified Mālik, al-Shāfi‘ī, and al-Thawrī (d. 171/778) among the Rationalists. In a later work, however, using a different definition that reflects an understanding of the larger grouping of the Traditionalists, Ibn Qutayba grouped them among the ‘People of Ḥadīth’ (see Melchert, ‘Traditionist-Jurisprudents,’ 404-5). For a comparison of Mālik’s use of *ra’y* to that of the Shāfi‘ī and Ḥanafī schools see Abd-Allah, *Mālik*, 141-181.

¹³³ See Melchert, ‘Traditionist-Jurisprudents,’ 385, 388-9; Schacht, ‘Ibn Rāhwayh.’

the other Traditionist-Jurisprudents as well - '*ḥadīth* reports [were] not just authorities corroborating his opinions, they practically [were] his opinions.'¹³⁴

The *Zāhirī* school was founded by Dāwūd ibn Khalaf al-*Zāhirī* (d. 270/883) who was born at around the same time as al-Ḥakīm al-Tirmidhī in Kufa, but later resided and taught in Baghdad.¹³⁵ This school will be given more attention than the others because of its similarities to the thought of al-Tirmidhī and Ibn 'Arabī. The *Zāhirīs* were different from the Traditionist-Jurisprudents in their concern with developing a legal method based on clear rules.¹³⁶ The *Zāhirīs* completely rejected *taqlīd* and the use of analogical reasoning. Al-*Zāhirī*'s jurisprudence was primarily tradition-based, and he accepted the Qur'ān, *ḥadīth*, and the consensus of the Companions as the only sources of law. As for analogical reasoning, he said of it: 'the first to use *qiyās* was Iblīs (Satan).'¹³⁷ This statement, as we will see, was repeated by al-Tirmidhī and others.

The position of the majority of jurists is that the Sharī'a must contain a ruling for every possible act in existence. Due to the limited number of Qur'ānic verses and prophetic reports, and the unlimited number of issues, they first resort to extracting more out of the texts by analysing different types of meanings that could be inferred from the language of the texts, such as its allusions and implications. When they have no texts to work with, they resort to analogical reasoning and other methods of reasoning, according to the different methodologies of the schools.¹³⁸ The use of such rationalist methods is based on the idea that there is a *ratio legis* for each ruling in the Qur'ān and *ḥadīth*, and a general wisdom and higher principle that the Sharī'a aims to achieve. These scholars thus aim to discover the wisdom in the Sharī'a and its rulings,

¹³⁴ Melchert, 'Traditionist-Jurisprudents,' 389.

¹³⁵ Melchert, *Formation*, 179; Osman, *History and Doctrine*, 10-11.

¹³⁶ Osman, *History and Doctrine*, 224-5.

¹³⁷ Al-Ḥajwī, *al-Fikr al-sāmī*, 385.

¹³⁸ Al-Ḥajwī, *al-Fikr al-sāmī*, 389-393. For the different textual implications that could be extracted by the jurists, see Kamali, *Principles*, 167-186.

to be able to increase the number of rulings, whether they be judgments of obligation, prohibition, or permissibility, as new issues arise.¹³⁹

For Dāwūd al-Zāhirī and his followers, there was no evidence that God had a ruling for every issue, and they argued that anything that was not given a judgement in the Qur'ān and *ḥadīth* explicitly, had been purposely omitted as a mercy from God and that God would not take anyone to account over it. They quoted the saying of the Prophet's cousin Ibn 'Abbās,

God sent His Messenger and sent down His Book in which He declared what is lawful and what is unlawful. Therefore what He made lawful is lawful and what He made unlawful is unlawful, and what He remained silent about has been pardoned.¹⁴⁰

The Zāhirīs argued that if analogical reasoning was used, this section of things purposely omitted by God would cease to exist and everything would have a ruling.¹⁴¹

The Zāhirīs also rejected the existence of a *ratio legis* for God's rulings. Ibn Ḥazm (d. 456/1064), who would be Ibn 'Arabī's reference for Zāhirī teachings (see Chapter Four, Section 4.1), argued that even if the Lawgiver mentioned certain qualities as causes (*asbāb*) of Divine rulings on certain acts, the Zāhirīs did not allow for the same rulings to be applied to other acts not mentioned by the Lawgiver that shared these same qualities. Ibn Ḥazm attributed this position to Dāwūd himself.¹⁴² However, according to the Shāfi'ī jurist Tāj al-Dīn al-Subkī (d. 771/1340), Dāwūd had a different position. Based on a manuscript in his possession which he attributed to Dāwūd himself, al-Subkī held that Dāwūd did accept the extension of rulings in such cases, but not on

¹³⁹ Abū Zahra, *Ibn Ḥazm*, 342. Ash'arī theology, however, maintained that 'man is incapable of knowing the wisdom behind [God's] commands and that God is not obliged to command what is good for His subjects.' They therefore maintained that 'the legal cause embodied in the *ratio legis* is nothing but a sign which signifies the legal rule but does not actually "effect" it' but could be seen as more of an occasioning factor' (Hallaq, *History*, 136).

¹⁴⁰ Ibn Ḥazm, *al-Iḥkām*, 8:28.

¹⁴¹ Al-Ḥajwī, *al-Fikr al-sāmī*, 391. See Ibn Ḥazm, *al-Iḥkām*, 8:13-18.

¹⁴² Ibn Ḥazm, *al-Iḥkām*, 76-7; al-Shawkānī, *Irshād*, 2:95.

the basis of *qiyās*, which he categorically rejected. Rather, said al-Subkī, ‘it is as if [Dāwūd] did not call (this extension) *qiyās* if the *ratio legis* was specified (by the Lawgiver).’¹⁴³ If this attribution is correct, it may reflect the influence of the early Mu‘tazilī thinker Ibrāhīm al-Nazzām (d. 221/835 or 231/845), who many believe was the first to reject the use of analogy in the law.¹⁴⁴ As Shehaby showed, al-Nazzām held that, ‘the text in which an *‘illa* is explicitly given for a certain judicial judgement must be read as though it states all the cases that are covered by that *‘illa*.’¹⁴⁵ Therefore if a text states, for example, that goat’s meat is forbidden because the goat is four-footed, al-Nazzām would read such a statement ‘as though it said that the meat of all four-footed animals are forbidden.’¹⁴⁶ He would therefore argue that all cases of four-footed animals are covered by such a statement without the use of analogy. Regardless of Dāwūd’s exact position, one thing is clear and that is his categorical rejection of *qiyās* as a juristic method.

Al-Tirmidhī was born at a time when the anti-rationalist movement was on the rise, and most of the 3rd/9th century in which he lived was dominated by the careers and legal doctrines of Ibn Ḥanbal and Dāwūd al-Zāhirī.¹⁴⁷ However, there was another movement at the time that aligned itself, for the most part, with the Traditionalists, and

¹⁴³ Al-Subkī, *Ṭabaqāt*, 2:290.

¹⁴⁴ Shehaby, ‘*‘Illa and Qiyās*,’ 36; Lucas, ‘Legal Principles,’ 319 n. 118. Devin Stewart has shown that the earliest works of jurisprudence were most likely written by Ḥanafī jurists and Mu‘tazilī theorists (Stewart, ‘al-Ṭabarī,’ 34). Mu‘tazilīs seem to have played a particularly important role, and the first work on jurisprudence that Stewart believes ‘we know about with any certainty’ was that of al-Nazzām’s student al-Jāhiz (d. 255/869), which frequently cited the opinions of his teacher (*idem*, 344, 346). According to Stewart, ‘there is a strong possibility’ that al-Nazzām had composed a work on the subject (*idem*, 344). Stewart has shown that the works of Dāwūd and his son represent a group of authors from the larger Shāfi‘ī tradition, who were writing as a reaction to the early Ḥanafī and Mu‘tazilī works (*idem*, 341). These reactionary works, Stewart has shown, were influenced by the works to which they responded, and adopted the form and structure of those earlier works, which distinguishes them from the arrangement of later works of jurisprudence (*idem*, 336-341).

¹⁴⁵ Shehaby, ‘*‘Illa and Qiyās*,’ 36.

¹⁴⁶ Shehaby, ‘*‘Illa and Qiyās*,’ 36.

¹⁴⁷ Hallaq, *History*, 32.

it was to this movement, not to any of the schools above, that al-Tirmidhī truly belonged.

2.2 Al-Tirmidhī and the Early Sufi Attitude to Rationalism

As we have seen (Chapter One, Sections 1.32 and 1.33) al-Tirmidhī believed that the correct understanding of the Sharī‘a, and having certain knowledge of its precepts, could only be achieved through divine inspiration and the attainment of what he called the ‘supreme wisdom.’ This was not unique to al-Tirmidhī and the tradition of the People of Wisdom in Tirmidh and its surrounding areas, but was also true of other mystics like the Sufis of Baghdad.¹⁴⁸ Like al-Tirmidhī and the People of Wisdom, the ‘first Sufis clearly formed an intellectual elite who were highly literate and learned in the Qur’ān, the *ḥadīth*, and much else besides.’¹⁴⁹ It was because they denied the use of human reason in the attempt to attain knowledge of God that,

The Sufis were at best skeptical, and at worst dismissive, of scholarly pursuits other than the study of the Qur’ān and the *ḥadīth* such as jurisprudence, rational speculation on the foundations of Islam (*kalām*), and even *belles lettres* (*adab*).¹⁵⁰

Some of the early mystics belonged to traditionalist schools of law, and others rejected them completely, but there were cases of mystics who also followed rationalist schools.¹⁵¹ In Baghdad where Dāwūd al-Zāhirī taught, there seems to have been a circle of Sufis closely connected to the Zāhirīs. Among them was al-Junayd al-Baghdādī (d. 298/910) who was a student of Abū Thawr (d. 240/855).¹⁵² Abū Thawr had been a

¹⁴⁸ Karamustafa, *Sufism*, 22. At the time, not all mystics were known as Sufis, and this appellation was mostly confined to a group of major mystical figures in Baghdad. Al-Tirmidhī himself never used the term Sufi and was not considered one by the Sufis of Baghdad. It was only later that this term came to be used for other mystics (See Sviri, ‘Spiritual Chivalry,’ 592-6).

¹⁴⁹ Karamustafa, *Sufism*, 21. Cf. Melchert, ‘Early Renunciants,’ 407-18.

¹⁵⁰ Karamustafa, *Sufism*, 21.

¹⁵¹ See examples of Ḥanbalī, Shāfi‘ī, Mālikī and Ḥanafī Sufis of Baghdad in Karamustafa, *Sufism*, 22.

¹⁵² Karamustafa, *Sufism*, 21.

Rationalist until he met al-Shāfi‘ī (d. 204/820) and became one of his students. He later founded his own school which was considered an offshoot of the Shāfi‘ī school.¹⁵³ Dāwūd was also one of the closest students of Abū Thawr, and al-Junayd is also counted among Dāwūd’s teachers.¹⁵⁴ Among Dāwūd’s students was Ruwaym ibn Aḥmad (d. 303/915-16), a wealthy judge from Baghdad and one of the leading Sufi figures of his age. He was also a close friend of al-Junayd.¹⁵⁵ Ruwaym was remembered as one of the most distinguished early scholars of the Zāhirī school, and it is very likely that he authored tracts on the subject that were available in al-Andalus a century and a half after his death.¹⁵⁶ Likewise, there was a lesser Sufi figure who was nonetheless one of those Sufi masters mentioned in al-Qushayrī’s *Risāla* and al-Hujwīrī’s *Kashf*, Abū Sa‘īd ibn al-A‘rābī (d. 340/951 or 341/952), who was another friend of al-Junayd. Abū Sa‘īd was described as leaning toward the Traditionalists and the Zāhirīs, and was highly regarded as a traditionist by *ḥadīth* critics of his age.¹⁵⁷

Outside this circle of Sufis from Baghdad we find Yaḥyā ibn Mu‘ādh al-Rāzī (d. 258/871) who accused the jurists of following *madhhabs* that deviated from the ‘Muḥammadan way.’¹⁵⁸ His words indicate a possible reference to legal devices for evading clear injunctions (*ḥiyal*). This is something which al-Tirmidhī himself criticised in more than one work.¹⁵⁹ Al-Ḥallāj (d. 309/922), upon being asked what school he

¹⁵³ Melchert, *Formation*, 72; Osman, *History*, 32.

¹⁵⁴ Osman, *History*, 30-31.

¹⁵⁵ Al-Dhahabī, *Siyar*, 14:235-6, al-Hujwīrī, *Kashf*, 136.

¹⁵⁶ In his treatise on the virtues of al-Andalus, the great Zāhirī Ibn Ḥazm mentioned Ruwaym as one of the greatest scholars of the Muslim East when attempting to show that al-Andalus produced scholars of equal calibre (see Osman, *History*, 96). Based on this, Adang believed that his works must have been available to Ibn Ḥazm (see Adang, ‘Beginnings,’ 123).

¹⁵⁷ Osman, *History*, 61. Al-Qushayrī wrote a very brief entry on him in *al-Risāla*, 1:132.

¹⁵⁸ Goldziher, *Zāhirīs*, p. 165.

¹⁵⁹ On al-Tirmidhī’s attacks on *ḥiyal* see Baraka, al-Ḥakīm, 1:98-9.

followed, replied, ‘I am upon the *madhhab* (lit. path) of my Lord.’¹⁶⁰ Similarly, al-Qushayrī (d. c. 465/1072) warned in the counsel with which he concluded his *Risāla* that it did not befit the Sufī to adhere to any legal schools, stating that the Sufis rose above both the Traditionalists and the Rationalists. The Sufis had spiritual insight and certainty, so could plainly see what was hidden from the jurists who had to search for it by way of either traditions (*naql* and *athar*) or rational thought (‘*aql* and *fikr*). As for the seeker who did not yet attain such a level of insight, he was counselled to ask the scholars without attachment to any school.¹⁶¹

Although many early Sufis and mystics rejected rationalism in legal and theological disciplines, none are known to have written a detailed critique of analogical reasoning or other rational methods used by the jurists, other than al-Tirmidhī. However, a brief criticism attributed to the early Medinan jurist and mystic Ja‘far al-Ṣādiq (d. 148/765) bears resemblance to the later and more sophisticated arguments put forth by al-Tirmidhī. Like Dāwūd and al-Tirmidhī, al-Ṣādiq held that the first to use *qiyās* was Iblīs (Satan) when he compared himself to Adam and said, ‘I am better than him: You created me from fire and him from clay’ (Q 7:12). It should be noted here that the word *qiyās* literally means comparison or measurement. Al-Ṣādiq argued that Iblīs’ *qiyās* was a faulty type of *qiyās*, and argued that there was a real *qiyās* which, if Iblīs had known, he would have recognised the superiority of Adam over himself. Iblīs had stopped at the surface and compared his constitutional element of fire with Adam’s mud, but if he had looked deeper beneath the surface and compared the light of Adam with the light of his own fire, he would have seen that Adam’s light was purer and greater than his.¹⁶² This is the same type of argument used by al-Tirmidhī. Al-Tirmidhī

¹⁶⁰ Al-Hamadānī, *Tamhīdāt*, 22. Al-Ḥallāj was for some time associated with the Sufis of Baghdad but broke away from his teachers and traveled to Khurasān, Transoxania, and India (see Karamustafa, *Sufism*, 25-6).

¹⁶¹ Al-Qushayrī, *al-Risāla*, 2: 571-3.

¹⁶² Al-Ṣādiq’s rejection of analogical reasoning, and his statement that Iblīs was the first to use it, are well attested in Shī‘ī sources (see Gleave, ‘Refutations,’ 267-8). This particular narration comes from al-Kulīnī, *al-Kāfi*, 1:34-5.

argued that Iblīs looked at the mud of Adam, which came from darkness, and found it inferior to his own fire, which was made of light. Iblīs' mistake was in his failure to look at the origin of mud. He knew that the earth at one point did not exist, and that its origin, water, also at one point did not exist. Had this occurred to Iblīs he would not have assumed that mud came from darkness. The reason that Iblīs could not go further to see the true origin of Adam's mud was that he did not have the spiritual power to penetrate beneath the surface and go all the way back to the origin of things. Only the prophets and saints had the ability to penetrate through the surface of things and see their origin in the realm of God's decrees. We now come to al-Tirmidhī's conception of *ijtihād*.

2.3 Al-Tirmidhī's Conception of Ijtihād

Al-Tirmidhī's criticism of analogical reasoning has been summarised by 'Abd al-Fattāḥ Baraka, however it would be necessary to present it here. Furthermore, Baraka only summarised al-Tirmidhī's own arguments without attempting to explain what al-Tirmidhī meant by the expression 'true *qiyās*' and what type of process he was truly advocating.

The Arabic word '*qiyās*' means to measure or compare. Al-Tirmidhī rejected the process of *qiyās* as jurists practiced it, and wanted to replace it with a different process. Therefore, he used the term *qiyās* to mean *ijtihād* - two terms that have often been used interchangeably. In order to do this, al-Tirmidhī, who believed that the root letters of Arabic words held within them the secrets to understanding them, held that 'true *qiyās*' or the process of *ijtihād* as it should be, was found in the anagram of the word *qiyās*: *siyāq*.¹⁶³ This connection was made because of the two major root letters, the

¹⁶³ Al-Tirmidhī, *al-Furūq*, 379-80.

consonants *sīn* and *qāf*, which both words have in common.¹⁶⁴ *Siyāq* means ‘to drive something’ and to al-Tirmidhī it meant to drive something back to its ‘origin,’ which I will explain shortly. For him, the *qiyās* of the jurists was not *qiyās* (according to his new definition), but what he called ‘*mushākala*’ and ‘*mushābaha*’: a drawing of similarities and resemblances between different things. The word *mushākala* could in fact be a more accurate Arabic word for the English ‘analogy’ than the word *qiyās*. Therefore, to avoid confusion, rather than hold on to al-Tirmidhī’s division of ‘true *qiyās*’ vs *mushākala*, it would be simpler to translate *mushākala* as analogy. As for al-Tirmidhī’s ‘true *qiyās*’ or ‘*siyāq*,’ I will translate it as *ijtihād*.

As mentioned above (Section 2.1), there is a clear tree metaphor in the terminology used by jurists for analogical reasoning, as the new case is called a branch (*farʿ*) and the original case is called a stem (*aṣl*). Al-Tirmidhī argued that in reality the process of analogy was that of comparing two branches of a tree, not a branch with a stem. Jurists took a new case (branch) that needed a value judgement and searched for an existing value judgement on another matter (branch) which they then named a stem. He admonished the jurists by saying, ‘You took knowledge of this matter from the middle, not from its source’ and told them that their *ijtihād* must reach the ‘source’ of the matter.¹⁶⁵

¹⁶⁴ Sviri summed up al-Tirmidhī’s teachings on the Arabic language. For al-Tirmidhī, the Arabic language,

‘...is the vessel within which God concealed His secrets. In the quest for divine gnosis (*maʿrifa*) these secrets can and, in fact, should, be deciphered....The power to decipher the hidden ‘meanings’ that language holds is part and parcel of the special science (*ʿilm*) that God’s men, the *awliyāʾ*, have inherited from the prophets. Mystical linguistics, according to al-Ḥakīm al-Tirmidhī, is the foundation of the ‘science of the saints’ (*ʿilm al-awliyāʾ*)...the disclosure of God’s mysteries encapsulated in words and letters was reserved for Adam and after him for the prophets and the *awliyāʾ*’ (Sviri, ‘Words of Power,’ 210).

¹⁶⁵ Al-Tirmidhī, *al-Furūq*, 366.

In al-Tirmidhī's opinion, the best way to describe the process of *ijtihād* is through the metaphor of intertwined grape vines, and not a tree of different branches. With the tree metaphor, jurists simply compare different branches without going back to any origin, and falsely call one of these branches an origin or a stem. With grape vines, however, there are multiple sources or vines that extend and intertwine with each other. The act of *ijtihād* here is to trace each vine to its original source. Not everyone has the ability to trace each vine to its original source, but only by going to the source can one discover the ruling. Jurists, then, need to go from the furthest most tip of a grape vine to its beginning, and not compare one vine or one branch to another. He argued that this source, which all of God's rulings come from, is the realm of God's decrees and apportionment. Only the Elect can access this realm through penetrating wisdom (*ḥikma bāligha*). By using the light of this wisdom in their hearts, the Elect can gaze at a case and penetrate through it until they drive it back to its origin in the realm of God's decrees and apportionment.¹⁶⁶

The best way to understand al-Tirmidhī's process of *ijtihād* is to see it as a holistic conceptualisation of the act for which a judgement was needed. The *ratio legis* was not to be found within each act, but rather by stepping outside of it and looking at its true nature. When one understands the true nature of any act, one can assign it a value judgement, without recourse to another case for comparison. The following examples will clarify this.

One example used by al-Tirmidhī is the ruling on performing worship on behalf of the dead. He stated that there are prophetic traditions establishing that one may perform Ḥajj or give charity on behalf of someone who is dead, so that the reward of this act is passed on to them. Scholars have differed in this regard. One group said that if charity and Ḥajj were accepted on behalf of the deceased, then all other acts of worship like fasting and prayer must be accepted too. Another group said that the only reason Ḥajj is accepted on behalf of the dead is because it requires the spending of

¹⁶⁶ Al-Tirmidhī, *al-Furūq*, 365,

money. They therefore believe that the Prophet only allowed it because of its similarity to charity, because in both cases one is spending their wealth on behalf of the deceased. Fasting and prayer, however, are not similar to charity because they do not rely on money. According to al-Tirmidhī, those who accepted prayer and fasting by comparing them to Ḥajj were correct but only by chance, as they did not know the *ratio legis* for which all these actions are accepted, but simply gave them the same ruling as Ḥajj. Likewise, they only accepted Ḥajj to be performed on behalf of others because of the statement of the Prophet, without which they might not have accepted it. As for the other group, they were mistaken in thinking that the acceptance of these actions had anything to do with money, and they were mistaken in not accepting actions like prayer and fasting. Here we have the same tool, *qiyās*, leading jurists to two different conclusions, one which was incorrect and one which was only correct by chance. In al-Tirmidhī's understanding, Ḥajj on behalf of others is accepted because it is like a debt owed to God, for the Qur'ān says: 'Pilgrimage is a duty that men owe to God' (Q 3:97). In fact, this *ratio legis* was clearly specified by the Prophet when he explained why Ḥajj can be performed on behalf of the dead, when he said in a well known *ḥadīth*: 'If your father left a debt behind, would you not repay it on his behalf? Then fulfil the debt owed to God, for God has more right that debts to Him are fulfilled.' The *ratio legis* was thus clearly stated by the Prophet himself for why Ḥajj is accepted on behalf of others, and yet the jurists did not even see it and chose instead to liken Ḥajj to charity, in that it can only be done by spending money. Had scholars returned the case of Ḥajj back to its origin, they would have seen that its origin is a debt owed to God, and can thus be fulfilled by others on behalf of the deceased.¹⁶⁷

What al-Tirmidhī was doing in this example was not to look within prayer or fasting to find similarities to Ḥajj and charity, but to step back and gain a full conceptualisation of these acts. Each of them is an act of worship that has been prescribed by God, and its fulfilment is therefore a debt owed to God. Anything that is a

¹⁶⁷ Al-Tirmidhī, *al-Furūq*, 379-80.

debt owed to God can be fulfilled by someone else on behalf of those who died and could not fulfil their own duties. Through this process, jurists would not even need to have any Qur'ānic or prophetic statement on Ḥajj or charity. Even if there was nothing known about offering Ḥajj or charity on behalf of the dead, a true *mujtahid* would have understood that these are acts of worship that have been prescribed, and are therefore debts owed to God. Therefore, anything still owed to God could be fulfilled by others. Let us look at another example.

It is agreed upon in Islamic law that if one who is fasting ate out of forgetfulness, his fast is not broken, as stated in a prophetic tradition. It is narrated, however, that Abū Ḥanīfa said, 'If it were not for that tradition, I would have, by use of analogy, said that it broke the fast.' Al-Tirmidhī stated that Abū Ḥanīfa here made an analogy based on comparison (*mushākala*). Abū Ḥanīfa compared fasting to prayer, which is nullified by speech or laughter even if out of forgetfulness, and Ḥajj which is nullified if one forgets and has intercourse with his partner, and other similar matters in which forgetfulness is not an excuse. Al-Tirmidhī stated that a real *mujtahid* would return this matter to its origin and rule that eating by mistake does not invalidate the fast, even if there was no prophetic tradition on the subject. They would rule so because fasting is an oath that the person takes upon himself for the sake of his Lord, while one's sustenance has been divided by God from pre-eternity, and God promised in the Qur'ān to deliver it to His servants. In this case, al-Tirmidhī explains, the two promises might meet: the servant's promise to keep his fast, and God's pre-eternal promise to deliver a specific amount of food for the servant on the same day. In order to fulfil his promise, God makes the servant forget his own oath and then feeds the servant and gives him drink. This forgetfulness then, is from God Himself, and therefore does not break the fast. According to al-Tirmidhī, this would be known by the people of true *ijtihād*, the People of Wisdom, and is in agreement with the saying of the Prophet, 'Whoever forgets while fasting, and eats or drinks, let him continue his fast, for it was only because God fed him and gave him to drink.'¹⁶⁸ This is unlike speaking during

¹⁶⁸ Al-Tirmidhī, *al-Furūq*, 378-9.

prayer or intercourse during Ḥajj and fasting, as speech and intercourse are not things that God promised in the Qur'ān to deliver to His servants, and so the forgetfulness that led to them would have been from Satan. Satan would have had to work on a person for a sustained period to make him forget and speak during his prayer, or have intercourse during Ḥajj or whilst fasting. It is because of these workings of Satan that this worship becomes invalid.¹⁶⁹ Al-Tirmidhī continued to criticise the jurists, using Abū Ḥanīfa as their representative, for saying that intercourse due to forgetfulness does not nullify the fast, as with food and drink. The jurists should not have extended the words of the tradition regarding eating or drinking to other matters such as intercourse. In the end, they neither relied on a tradition, nor were they successful in their analogy.¹⁷⁰

In the above example, al-Tirmidhī's *ijtihād* was to arrive at the following insight: what determines whether a mistake invalidates one's act of worship is whether this mistake was caused by God or by Satan. He did not simply look at the fact that a mistake was made during an act of worship due to forgetfulness, in which case the act would be invalidated no matter what type of worship it was. Rather, he understood that the forgetfulness that leads to eating while fasting is caused by God in order to deliver to the servant the sustenance that was decreed for him from pre-eternity. Again, the process of *ijtihād* was not dependant on comparison to other cases, but on arriving at a true and complete understanding of each individual case on its own.

The final example we will look at is the act that begins the ritual prayer, which is to utter the phrase: 'Allah is greater (than all else)', known as the *takbīr*. Abū Ḥanīfa accepted other statements in which Allah is mentioned as replacements for the *takbīr* to begin the prayer, and his student al-Shaybānī followed him in that, but his other great

¹⁶⁹ Baraka, *al-Ḥakīm*, 1:89.

¹⁷⁰ Al-Tirmidhī, *al-Furūq*, 379. The opinion that fasting is not nullified by intercourse in a state of forgetfulness was that of al-Shāfi'ī, Awzā'ī, Abū Thawr, al-Thawrī, and several other leading scholars. Ibn Ḥanbal, however, agreed with 'Aṭā' that it does nullify the fast. Abū Ḥanīfa took the first opinion, but said that he only did so because of the semi-consensus of the scholars on the matter, otherwise he would have ruled that it nullified the fast; this would be more consistent with his first position about applying *qiyās* to the case of mistakingly eating while fasting. See Ibn 'Abd al-Barr's, *Istidhkār*, 3:349. It is therefore unfair of al-Tirmidhī to name Abū Ḥanīfa in particular on this issue.

student Abū Yūsuf disagreed with his imam because of a tradition that states: ‘[The prayer] begins with the *takbīr* and ends with the *taslīm*.’ Al-Tirmidhī criticised Abū Ḥanīfa for his opinion, and explained at length why only the *takbīr* is accepted by the People of Wisdom. Al-Tirmidhī also criticised Abū Yūsuf for only leaving his teacher’s opinion due to the presence of a tradition on the matter, saying that if Abū Yūsuf was able to know the inward reality of the matter he would have disagreed with his teacher even if the tradition did not exist.¹⁷¹ Al-Tirmidhī gave many other examples and concluded that Abū Ḥanīfa ‘was from the people of outward knowledge, and did not possess the knowledge of the *ahl al-bāṭin*, as far as we can see.’¹⁷²

It is clear that al-Tirmidhī’s *ijtihād* did involve a search for a *ratio legis*, but this was attained by gaining an insight into the nature of a situation, without recourse to analogical reasoning. The *ratio legis* was not a property of an act which linked it to a value judgement. To use the classic example of intoxicants, the *ratio legis* behind the prohibition of wine would not simply be that it is an intoxicant, but rather it would be the reason that intoxicants were prohibited in the first place. In the case of doing acts of worship on behalf of others, one would not look within the acts of worship to see if they shared certain properties such as the expenditure of wealth, but would look at the act as a whole and understand that it was a debt owed to God. Similarly, with acts that invalidate acts of worship, one would not simply look at the fact that the act was caused by forgetfulness, but would have to arrive at an understanding of why this forgetfulness took place.

2.5 Comparative Fiqh

A statement attributed to the Prophet states, ‘My Companions are like the stars (*nujūm*), whomever of them you follow, you will be guided.’ This tradition implies a

¹⁷¹ Al-Tirmidhī, *al-Furūq*, 376-7, 395-6.

¹⁷² Al-Tirmidhī, *al-Furūq*, 376.

multiplicity of correct paths to follow. However, al-Tirmidhī rejected the notion that any person who met the Prophet once or pledged allegiance to him or just saw him could be an imam of guidance for others. The word *nujūm* literally means objects that rise from a place. According to al-Tirmidhī's definition, the *nujūm* are only those celestial objects that have *maṭāli* ' (places of rising) through which they come to appear in the skies. This description, he says, only applies to Mercury, Mars, Saturn, Jupiter, and Venus. As for all other fixed celestial objects, they are *kawākib*, not *nujūm*. Similarly, among the Prophet's Companions, those who had the necessary knowledge of the Sharī'a combined with the necessary spiritual insight to be imams, were small in number like the number of the *nujūm*. It was only these Companions who had the right to practice *ijtihād*, and yet their *ijtihād* might have led them to different conclusions. People of *taqlīd* may choose any of them to follow, and will be rightly guided. As for the rest of the Companions, their light was a source of guidance for their own selves, but they were not imams or guides for others.¹⁷³ Among the Companions, al-Tirmidhī named seven such figures who were of the Elect of God's saints: Abū Bakr, 'Umar, 'Uthmān, 'Alī, Mu'ādh ibn Jabal, Abū 'Ubayda, and Ibn Mas'ūd. They were the *muḥaddathūn* and the ones who possessed authority in their generation.¹⁷⁴ This discussion informs us that al-Tirmidhī accepted different results from the *ijtihād* of the Elect, and that their results were all correct. This is remarkable because in al-Tirmidhī's understanding this was not the case of an *ijtihād* process which had room for error, but a process based on certainty which could produce no mistakes. Therefore al-Tirmidhī seemed to accept that different opinions could be correct at one and the same time. The same understanding is displayed in practice, rather than stated, in al-Tirmidhī's *Ithbāt al-'ilal*.

Most of the chapters in *Ithbāt al-'ilal* are dedicated to explaining parts of the Sharī'a about which there is no disagreement. For example, they explain the wisdom

¹⁷³ Al-Tirmidhī, *Nawādir*, 3:61-2.

¹⁷⁴ Al-Tirmidhī, *al-Furūq*, 390.

behind the ritual prayer as a whole, as well as the individual parts of the prayer such as standing, bowing down, prostrating on the floor, reciting the Qur'ān, facing the Qibla, etc. There are three chapters, however, in which disputed issues are mentioned. For each of these issues, al-Tirmidhī presented the opinions of different schools of jurisprudence, compared them, then chose what he thought was the stronger opinion. In the chapter on the *ratio legis* of the ritual ablution, al-Tirmidhī compared the Mālikī and Ḥanafī opinions on whether or not bleeding invalidated the state of ritual purity and gave preference to the Ḥanafī position. In the chapter on starting the prayer with *takbīr*, al-Tirmidhī compared two opinions within the Ḥanafī school. On this issue, it was only Abū Ḥanīfa and his student al-Shaybānī who argued that one could begin the prayer with a statement other than, but similar to, '*Allāhu akbar*,' such as '*Allāhu a'ẓam*'; Abū Ḥanīfa's other great student, Abū Yūsuf, disagreed with Abū Ḥanīfa, and so al-Tirmidhī compared both opinions and sided with Abū Yūsuf. In the chapter on the *ratio legis* of reciting the Qur'ān during prayer, al-Tirmidhī preferred the opinion that those being led in prayer should recite silently to themselves as well, instead of just bringing to themselves the awareness of standing before God. Although these are the only three examples of comparative *fiqh* in this work, al-Tirmidhī's approach to them is very significant.

The first and most obvious matter of note in al-Tirmidhī's approach is that he compared the opinions of different schools and acted as an independent *mujtahid*. The second matter to note is al-Tirmidhī's attitude toward Abū Ḥanīfa in this text as compared to *al-Furūq*. In *al-Furūq*, al-Tirmidhī described Abū Ḥanīfa's position that the prayer could start with expressions other than the *takbīr* as 'a reprehensible statement,'¹⁷⁵ and something that the people of true *ijtihād* would consider 'blind floundering.'¹⁷⁶ He also said that, as far as he could tell, Abū Ḥanīfa was not from the

¹⁷⁵ Al-Tirmidhī, *al-Furūq*, 396.

¹⁷⁶ Al-Tirmidhī, *al-Furūq*, 377.

People of Wisdom and that ‘had he known the fault in his statement he would have stopped himself from saying it.’¹⁷⁷ By qualifying his judgement with the statement, ‘as far as we can see,’ al-Tirmidhī had conceded the possibility that Abū Ḥanīfa might have possessed inspired knowledge of the law. In al-Tirmidhī’s treatment of the same question in *Ithbāt al-‘ilal*, however, he was not as certain that Abū Ḥanīfa would have changed his opinion. He wrote, ‘Had this *ratio legis* occurred to Abū Ḥanīfa, my belief is that he would have stopped himself from making that statement.’ More surprising, however, is the fact that he simply stated that ‘Abū Yūsuf’s opinion is stronger, according to us, than that of Abū Ḥanīfa, may Allah have mercy on them both.’¹⁷⁸ This statement did not only give respect to Abū Ḥanīfa, but also implied that Abū Ḥanīfa’s view was still acceptable. Since we do not know the dates in which these works were written, we cannot say with certainty in which direction al-Tirmidhī’s views regarding Abū Ḥanīfa’s opinion progressed, but it seems more likely that they began with the harsher criticism and softened over time. There is evidence for this in the fact that he was reportedly exiled toward the end of his life because of writing *Khatm al-awliyā*’ and *Ithbāt al-‘ilal*, which indicates that these were among his last works.¹⁷⁹

The most important observation is al-Tirmidhī’s acceptance of opposing opinions as correct at the same time. Al-Tirmidhī had repeatedly stated that the Elect could see the origin of every act through the light of wisdom and therefore know its judgement with absolute certainty. In the examples above, however, we see him stating that one opinion is ‘more preferable’ than another, rather than using language such as ‘correct’ and ‘incorrect.’ In discussing the case of whether bleeding invalidates the state of ritual purification we see him stating that the view of the Ḥanafīs was ‘more appropriate and more fitting (*ashbah wa alyaq*)’ than that of the Mālikīs. However, in this case al-Tirmidhī explicitly attributed both Mālikī and Ḥanafī positions to inspired

¹⁷⁷ Al-Tirmidhī, *al-Furūq*, 376. It possible Tirmidhī meant ‘the flaw’ of his statement, and not disgrace.

¹⁷⁸ Al-Tirmidhī, *Ithbāt al-‘ilal*, 97.

¹⁷⁹ In another work on prayer, al-Tirmidhī respectfully quoted Abū Ḥanīfa’s proofs that the *witr* prayer was obligatory (al-Tirmidhī, *al-ṣalāt*, 141).

knowledge, explaining the hidden wisdom upon which he claimed their positions were based. When mentioning the Mālikīs he called them ‘the people of Medina,’ but the other position he attributed to ‘the people of *fiqh* among the people of Kūfa,’ as if to say that among the school of Kūfa, the Ḥanafīs, there were people who possessed true *fiqh* and those who did not. Al-Tirmidhī was comparing the positions of the people of true *fiqh*, i.e. the People of Wisdom, among the people of Medina and Kūfa, and attributing to them knowledge of the hidden wisdom of the Sharī‘a. It is because of this that he accepted both opinions, even though they were at odds with each other, and only preferred the judgement of the school of Kufa, i.e. the school of Abū Ḥanīfa, in that one matter as ‘more appropriate and more fitting.’¹⁸⁰

Ithbāt al-‘ilal is the first work to attribute inspired knowledge to the positions of legal schools, and to accept their differences based on this regard. Although the examples used were few, this would lay the foundation for the comparative *fiqh* in Ibn ‘Arabī’s *Futūḥāt* and al-Sha‘rānī’s *al-Mizān*. In a similar case and equally significant, there is one instance in his work *al-Ṣalātu wa-maqāṣiduhā*, in which al-Tirmidhī compared at length the prayer of the Companion ‘Umar ibn al-Khaṭṭāb to that of the Companion Sa‘d ibn Mu‘ādh. Sa‘d is reported to have stated that while in prayer he never thought of anything but God, whereas ‘Umar is reported to have stated that while

¹⁸⁰ Al-Tirmidhī, *Ithbāt al-‘ilal*, 86-7. From the above discussions, it does not seem that al-Tirmidhī upheld the doctrine of infallibilism which held that every *mujtahid* is correct, a doctrine ultimately based on the uncertainty of the process of *ijtihād* (on infallibilism see Zysow, ‘Ḥanafī,’ 239-247; *Economy of Certainty*, 262-78). However his use of the expression *ashbah wa alyaq* recalls a version of infallibilism known as the ‘doctrine of verisimilitude (*al-ashbah*)’ which ‘posited that among the discordant answers of the different *mujtahids* one answer might be privileged’ (Zysow, ‘Ḥanafī,’ 240). This doctrine was upheld by some prominent Ḥanafī and Shāfi‘ī jurists who flourished after the death of al-Tirmidhī, such as Abū l-Ḥasan al-Karkhī (d. 340/952) and Abū Bakr al-Jaṣṣāṣ (d. 370/981) among the Ḥanafīs, and Ibn Surayj (d. 306/878) and Abū Ḥamid al-Isfarāyīnī (d. 406/1015) among the Shāfi‘īs. These scholars in turn attributed this doctrine to the founders of their respective legal schools (see Zysow, *Economy of Certainty*, 267-9). Although there was no standard definition of this doctrine, some spoke of the *ashbah* as ‘the answer that God would send down if He were to do so’ (*idem*, 268). This is very similar to the doctrine of Ibn ‘Arabī as we will later see (Chapter Four, Section 4.2.1). It is likely that al-Tirmidhī believed something similar in the cases above: that from amongst two or more correct actions, one was more ‘fitting’ and more likely to be the one that God Himself would send down, or that the Prophet would choose if he were alive. However, he does not seem to accept all the answers arrived at by *mujtahids*.

in prayer he would think of which commanders to appoint and which armies to send. Al-Tirmidhī allowed this for ‘Umar because he was one of the Elect who thought through God, and planned and appointed commanders and sent forth armies through God. He was a man of inner vision who was not veiled from God, and thinking of such things in prayer did not distract him from God. This only indicated ‘Umar’s superiority in that such matters did not distract him from God in his prayer. As for Sa’d, he was not a man of inner vision and therefore thinking of anything beside God in prayer would have been a deficiency in his prayer. Al-Tirmidhī concluded that the state of ‘Umar in prayer was that of the ‘spiritually strong’ while that of Sa’d was the state of the ‘spiritually weaker.’¹⁸¹ Al-Tirmidhī allowed certain matters in the ritual prayer of the spiritually strong which would be considered a deficiency in the prayer of the spiritually weaker. We will see later how this idea was developed by Ibn ‘Arabī and al-Sha‘rānī.

2.5 The Role of the Elect As Traditionists

Before we conclude al-Tirmidhī’s discussion on *fiqh* and *ijtihād*, we must mention, albeit briefly, how he also gave authority to the Elect in the related field of traditions. Al-Tirmidhī, though a traditionist himself, had criticisms for the traditionists of his age, just as he had criticisms for jurists, mystics, and other groups. These criticisms have been enumerated in different studies.¹⁸² What interests us here is the role that he gave to the Elect in the field of traditions. Al-Tirmidhī held that prophetic traditions did not need to be transmitted in their exact wordings- and that the early generations did not in fact do so- as long as their meanings were preserved. However, he said, as traditions were passed down through generations, transmitters who were devoid of wisdom sometimes reversed certain phrases or words within a tradition, thus changing its meaning. He gave two examples of this, where he showed traditions that were transmitted with opposite meanings or a different pairing of similar terms, and explained, through inspired knowledge, which narrations were correct. One of these

¹⁸¹ Al-Tirmidhī, *al-Ṣalāt*, 59-64.

¹⁸² See Baraka, *al-Ḥakīm*, 1:77-84; al-Ḥusaynī, *al-Ma‘rifa*, 79-81.

examples was a prophetic statement about the people of Yemen having ‘softer *qulūb* (sing. *qalb*) and more tender *afʿida* (sing. *fuʿād*).’ *Qalb* and *fuʿād* are two terms used for the heart, and al-Tirmidhī noted that many traditionists switched the two words. He argued that this was because they lacked the wisdom that would have enabled them to know that *qalb* in fact referred to the inner heart and *fuʿād* referred to the outer heart. Similarly, wisdom would have enabled them to understand why the inner heart could be described as soft, while the outer heart could become thinner and so could be described as more tender, and not the other way around.¹⁸³ ‘It was the People of Wisdom,’ he said, ‘that could distinguish between different narrations: which are true and which are faulty.’¹⁸⁴

2.6 Conclusion

Al-Tirmidhī, like many mystics and Sufis of his age, rejected rationalism in the legal and theological disciplines, and allied himself with the Traditionalist stance. However, as Baraka correctly noted, his stance against jurists was the same regardless of whether they were Rationalists or Traditionalists.¹⁸⁵ This is because al-Tirmidhī believed that jurists who lacked inspired knowledge were simply incapable of *ijtihād*, and so his criticism was directed at all jurists who were not also saints. Al-Tirmidhī’s position was the same regarding Traditionists who might err in their transmissions if they lacked the light of wisdom that would ensure the correct understanding of what they transmitted. Based on his concept of sainthood and the knowledge of the Elect, al-Tirmidhī argued that it was only the Elect who had the requisite ability to practice *ijtihād*. In order to demonstrate this, al-Tirmidhī gave several examples of faults in the analogical reasoning of the jurists, and stated that even when they were correct, they were correct only by chance. Al-Tirmidhī, unlike the *Zāhirīs*, did believe in the

¹⁸³ Al-Tirmidhī, *Nawādir*, 4:120.

¹⁸⁴ Al-Tirmidhī, *Nawādir*, 4:117-122. (Chapter on the Secret of Transmitting Traditions in their Meaning).

¹⁸⁵ Baraka, *al-Ḥakīm*, 1:85.

existence of *ratios* for divine injunctions, but denied the ability of jurists to discover these *ratios* using rational methods. In his opinion, only the Elect could arrive at a proper understanding of the Sharī‘a through the light of wisdom which allowed them to trace back the origin of every injunction and every act to the realm of God’s decrees. This process of ‘*ijtihād*,’ which took place in the heart, allowed for a correct conceptualisation of every problem, after which the divine ruling on that problem became clear without any comparison with parallel textual cases. This process, however, could still lead to different results, which implied that there might be more than one correct approach to certain problems, though some were still superior to others. Toward the end of his life, al-Tirmidhī seems to have changed his position regarding Abū Ḥanīfa and possibly the founders of the other schools, in that he attributed some of their positions to inspired knowledge. This implied that there were saints who were worthy *mujtahids* among the early imams of the different legal schools. Now we will examine how al-Tirmidhī’s conception of sainthood and *ijtihād* were developed by Ibn ‘Arabī.

Chapter 3: Ibn ‘Arabī on Juristic Authority

This chapter will examine Ibn ‘Arabī’s main ideas on sainthood and how they influenced his jurisprudential thought. The chapter will begin by showing how Ibn ‘Arabī developed al-Ḥakīm al-Tirmidhī’s ideas on the subject.

Ibn ‘Arabī was born in Murcia in Muslim Spain in the year 560/1165 and was then raised and educated in Seville. He learned with many scholars and Sufis in both Muslim Spain and North Africa before leaving Spain for Mecca in 590/1193. After the pilgrimage he spent time traveling between Egypt, Turkey and Iraq, before settling in Damascus for the last seventeen years of his life until his death in 638/1240.¹⁸⁶

Ibn ‘Arabī thought very highly of al-Tirmidhī, describing him as ‘the imam who possessed perfect mystical experience.’¹⁸⁷ In *Khatm al-awliyā’* al-Tirmidhī had included a long list of questions as a challenge to those who claimed true sainthood.¹⁸⁸ Ibn ‘Arabī is the first person known to have responded to this challenge. At first Ibn ‘Arabī dedicated a treatise to answering these questions concisely, entitled *al-Jawāb al-mustaqīm ‘ammā sa’ala ‘anhu al-Tirmidhī al-Ḥakīm* (*The reply to the questions of al-Ḥakīm al-Tirmidhī*). Ibn ‘Arabī later answered them again in more detail in chapter seventy-three of the *Futūḥāt*.¹⁸⁹ Earlier we have seen how al-Tirmidhī was the first to speak of a ‘Seal of Sainthood’ and how his *Khatm al-awliyā’* left some uncertainty about whether the Seal of Sainthood was a single person or if it was a rank that could be achieved by many. Ibn ‘Arabī developed al-Tirmidhī’s ideas, conceiving of three Seals.

¹⁸⁶ More on Ibn ‘Arabī’s education will be said later. For a detailed biography see Addas, *Quest*, and for a concise biography see Addas, *Voyage*.

¹⁸⁷ Ibn ‘Arabī, *Futūḥāt*, 2:39.

¹⁸⁸ Al-Tirmidhī, *Sīrat al-awliyā’*, 20-9. It is clear that al-Tirmidhī had in mind the Elect and not saints of a lesser ranking.

¹⁸⁹ Osman Yahya included the answers from *al-Jawāb al-mustaqīm*, and extracts of the lengthier answers from the *Futūḥāt*, in his edition of al-Tirmidhī, *Khatm al-awliyā’*, 142-326.

One was the ‘Seal of Children’ who would be the last human being to be born on Earth and who would be a saint. The second was the seal of sainthood in general, and that would be the Prophet ‘Īsā after his return to Earth, and the third, the ‘Seal of Muḥammadan Sainthood,’ who was Ibn ‘Arabī himself.¹⁹⁰ Based on several dream visions, Ibn ‘Arabī was convinced that he was this Seal whom al-Tirmidhī had prophesied.¹⁹¹ Furthermore, it seems that Ibn ‘Arabī felt a strong affinity with this man whom he believed had prophesied his coming, and with whom he shared the same first name and father’s name.¹⁹²

Contemporary scholarship has named two major concepts that Ibn ‘Arabī took from al-Tirmidhī. The first is the concept of a Seal of Sainthood.¹⁹³ The second is the nature of the relationship between prophethood and sainthood, which has been best explained by Chodkiewicz, and is beyond the scope of this thesis.¹⁹⁴ Another important concept, to which we will return when we discuss al-Sha‘rānī’s theory of the Scale of the Sharī‘a (Chapter Five, Section 5.5.3), is the importance of the letters of the alphabet.¹⁹⁵ The connection between al-Tirmidhī’s Seal of Sainthood and Ibn ‘Arabī’s Seal of Muḥammadan Sainthood is of course very important, as Ibn ‘Arabī’s belief that he was this Seal defined his very role and purpose. As we have seen in the Introduction, Ibn ‘Arabī believed that as the perfect heir to Muḥammad his role was to preserve the Sharī‘a. However, I will argue here that Ibn ‘Arabī benefitted more from al-Tirmidhī’s Seal of Sainthood in his conception of the highest category of saints which he called the *afrād*. This link between al-Tirmidhī’s Seal and Ibn ‘Arabī’s *afrād* is arguably more significant than its link with Ibn ‘Arabī’s Seal of Muḥammadan Sainthood. While the

¹⁹⁰ On these Seals see Chodkiewicz, *Seal*, 116-127.

¹⁹¹ On Ibn ‘Arabī’s claims to this office see Chodkiewicz, *Seal*, 128-135.

¹⁹² Ibn ‘Arabī called him *samiyyunā wa ibn samī abīnā* (he who shares our name, and whose father shares our father’s name. See Ibn ‘Arabī, *Futūḥāt*, 2:69).

¹⁹³ Karamustafa, ‘Wilāya,’ 64; Abrahamov, *Ibn al-‘Arabī*, 89; Chodkiewicz, *Seal*, 116-7; Cornell, *Realm*, 205-6.

¹⁹⁴ Chodkiewicz, *Seal*, 30, 47-59. See also McGregor, ‘Sanctity,’ 24. For the origins of these ideas in al-Tirmidhī see *Sīrat al-awliyā’*, 83-4.

¹⁹⁵ Abrahamov, *Ibn al-‘Arabī*, 87.

Seal of Muḥammadan Sainthood was a diachronic conception relating to a single figure in the history of mankind, the category of the *afrād* was a synchronic conception, meaning that this was a permanent category of saints. These *afrād*, in Ibn ‘Arabī’s conception, were the greatest authorities on the Sharī‘a, and like himself, were entrusted with the role of its preservation.

3.1 Ibn ‘Arabī on the Elect

In the first chapter we have seen al-Ḥakīm al-Tirmidhī’s conception of the *muḥaddathūn*, who were the Elect among the saints. Ibn ‘Arabī also spoke about the *muḥaddathūn*, adding that they were of two kinds. The first were addressed by God from behind a veil, for God had said in the Qur’ān that He either addressed humans through revelation (as with the Prophets), or from behind a veil (Q 42:51). In Ibn ‘Arabī’s understanding this was like God’s address to Moses in the sacred valley and it was accessible to the *muḥaddathūn*. The second, lower type of Heavenly Speech came from angels, and varied according to the rank of its angelic source.¹⁹⁶ The function that Ibn ‘Arabī gave to this descent of Heavenly Speech was the same as with his predecessor: it was to give an increased understanding of the Sharī‘a. In *Tanazzul al-amlāk* which was written in Mosul in 601/1204 soon after Ibn ‘Arabī’s first stay in Mecca, Ibn ‘Arabī focused on the secrets behind some of the minute details of the ritual ablutions and prayer.¹⁹⁷ The name of the latter work refers to the descent (*tanazzulāt*) of the inspired understanding of these acts of worship upon the author’s heart via angels. Indeed, Ibn ‘Arabī began many of his discussions in this work by saying, ‘The

¹⁹⁶ Ibn ‘Arabī, *Futūḥāt*, 1:50; 2:21.

¹⁹⁷ It was published by in 2003 by Dār Ṣādir in Beirut under the name: *Tanazzulāt al-amlāk fī ḥarakāt al-aflāk*, and in 1961 in Cairo by Aḥmad Zakī ‘Aṭīyya and Ṭāhā ‘Abd al-Bāqī Surūr under the name *Laṭā’if al-asrār*; however it is known in the writings of Chodkiewicz, Addas and others as *al-Tanazzulāt al-mawṣiliyya*. According to Chodkiewicz, the last ‘attested reading’ in Ibn ‘Arabī’s presence was of this work on the 10th *Rabī’ al-awwal* 638, a few weeks before his passing on the 28th *Rabī’ al-thānī* (16th November, 1240). (Chodkiewicz, *Seal*, 7).

trustworthy spirit (*al-rūḥ al-amīn*) came down upon my heart and said.’ The Trustworthy Spirit is a Qur’ānic name for the archangel Gabriel.¹⁹⁸ Ibn ‘Arabī of course knew that this would raise some objections so he dealt with it in his introduction, saying to the reader:

Perhaps when you hear me say, ‘the trustworthy spirit came down upon my heart,’ you would reject it and say, ‘Is there revelation after the Messenger of God (peace and blessings be upon him)?’ Do not do so, may God protect us and protect you from the ‘revelation’ of every misguiding devil. It is but an expression referring to the angelic suggestion in general, and to Heavenly Speech in particular.¹⁹⁹

Al-Tirmidhī had stated that the *muḥaddathūn* received a larger portion of prophethood than the average believer and saint. It was the descent of Heavenly Speech upon their hearts in the waking state that gave them at least one third of the total portion of prophethood. The Seal of Sainthood possessed the greatest possible share of prophethood among the saints, though al-Tirmidhī did not reveal how much his share of prophethood was (Chapter One, Section 1.3.2). Al-Tirmidhī had also stated that God had treasuries of gifts for the prophets, and different treasuries of gifts for the saints. The Seal, however, had an intermediary rank. His station was with the Elect, but his gifts came from the treasuries of the prophets, and so he was constantly traveling between the two stations. It was at this point of al-Tirmidhī’s discussion that his student

¹⁹⁸ ‘Truly, it is the sending (*tanzīl*) of the Lord of the Worlds. The Trustworthy Spirit brought it down (*nazala bihi*). Upon your heart, in order for you to be one of the warners.’ (26:192-4). The word *tanzīl* (a sending down, or revelation) is of the same root as *tanazzul* and *munāzala* which Ibn ‘Arabī uses.

¹⁹⁹ Ibn ‘Arabī then proceeded to quote the tradition about the *muḥaddathūn* (Ibn ‘Arabī, *Tanazzul al-amlāk*, 24-5). Ibn ‘Arabī’s inclusion of this ‘objection’ by the reader was very clever, as it was the same question raised to the third righteous caliph ‘Uthmān. According to this famous tradition, ‘Uthmān had rebuked his visitor for having looked at the figure of a woman while on the way to his house. When asked if he received revelation, ‘Uthman responded by quoting the Prophet who said, ‘Beware the clairvoyance of the believer for he sees with the light of God’ (al-Tirmidhī, Abū ‘Īsā, *Sunan*, 2:794). Ibn ‘Arabī was therefore reminding the reader of ‘Uthman’s clairvoyance, which appeared to others as revelation like that of the Messenger.

asked him another question about this *ṭabaqa* (rank) of saints, indicating that al-Tirmidhī's Seal might not have been a single figure.²⁰⁰

In Ibn 'Arabī's classification, the highest saints are known as the *afrād* (the solitary ones).²⁰¹ I will here put forth an argument that Ibn 'Arabī took al-Tirmidhī's descriptions of the Seal of Sainthood and fashioned from them his conception of the *afrād*. Ibn 'Arabī called this rank the *afrād* because the Divine Name which governed them was *al-Fard* (the Unique One).²⁰² Al-Tirmidhī had referred to the Seal as the '*fard*,' whose allotment from God was His Singularity (*fardiyya*) (and therefore the Divine Name or quality of *al-Fard*). This Seal is the closest to Muḥammad whose allotment from God is His Oneness (*waḥdāniyya*).²⁰³ The *afrād* were privileged to occupy a station known as the Station of Proximity (*maqām al-qurba*).²⁰⁴ This is the highest possible station, which comes between prophethood and *ṣiddīqiyya*.²⁰⁵ More significantly, this was truly an intermediate stage between the two levels, in that it allowed those who reached it access to actual prophecy, though as witnesses and not recipients. If, as al-Tirmidhī had taught, the Heavenly Speech of the *muḥaddathūn* came from special treasuries for the saints unlike God's divine revelation, then the only way for saints to have an even greater portion of prophethood is to share in the actual revelation given to the Messengers. Ibn 'Arabī wrote that direct external inspiration from Gabriel to men, which they would see and hear using their outward senses, ended

²⁰⁰ Al-Tirmidhī, *Sīrat al-awliyā'*, 62.

²⁰¹ On this rank see Chodkiewicz, *Seal*, 106-115. Ibn 'Arabī's hierarchy of saints was very elaborate and complex. Just before his responses to al-Tirmidhī's questionnaire, Ibn 'Arabī enumerated at length 84 classes of saints (Ibn 'Arabī, *Futūḥāt*, 2:3-39).

²⁰² Ibn 'Arabī, *Futūḥāt*, 1:199.

²⁰³ Al-Tirmidhī, *Sīrat al-awliyā'*, 129-130. The root *f.r.d* appears in other passages relating to the Seal of Sainthood (38, 93, 109).

²⁰⁴ Not to be confused with al-Tirmidhī's *maḥall al-qurba* (Chapter One, Section 1.2)

²⁰⁵ Ibn 'Arabī, *Futūḥāt*, 2:260-2.

with Muḥammad. It was forbidden after that for anyone to receive inspiration in this way, as that would technically constitute the descent of new revelation like that of the Messengers. God honoured the *afrād*, however, with an alternative. God, he stated, allowed these saints to see the manifest forms of Gabriel and Muḥammad as the former addressed the latter with the rulings of the Sharī‘a. Gabriel in turn would allow these saints to hear this address rather than veil it from them.

Once this address is completed [...such a saint] understands all the legal rulings concerning the Muḥammadan community which this address contained. The saint receives them just as the Muḥammadan form received it because of his presence with them... He returns to himself having understood the Spirit’s address to the form of Muḥammad, peace and blessings be upon him. He knows its authenticity by virtue of the knowledge of certainty, or rather by the eye of certainty. He takes for himself the legal ruling received by this prophet and puts it into practice... This then is a saint who heard it from the Spirit as it addressed the *ḥaqīqa* (spirit) of Muḥammad, peace and blessings be upon him, just as the Companions did, when Gabriel spoke to Muḥammad about Islām, Imān, and Iḥsān.²⁰⁶

Ibn ‘Arabī’s conception of this superior mode of angelic inspiration is very different from al-Tirmidhī’s Heavenly Speech, for it was an access to the descent of actual revelation upon the Messenger. Though a novel conception, this was inspired by al-Tirmidhī’s own teachings on the Seal of Sainthood whose rank was that of a saint but who received gifts from the treasuries of the prophets. Therefore we could say that Ibn ‘Arabī took what al-Tirmidhī had to say about the Seal of Sainthood, and transformed that into what he called the *afrād*. If indeed al-Tirmidhī’s Seal was a synchronic conception, then Ibn ‘Arabī preserved that conception through the category of the *afrād*. However, Ibn ‘Arabī then added a diachronic element with the Three Seals, of whom he was the Seal of Muḥammadan Sainthood.

We have seen (Chapter Two, Section 2.5) how al-Tirmidhī compared the positions of two different schools of law and then held that both were correct, and

²⁰⁶ Ibn ‘Arabī, *Futūḥāt*, 1:150.

explained how both different positions, though seemingly contradictory, were based on inspired knowledge.²⁰⁷ In the 116th Chapter of the *Futūḥāt*, Ibn ‘Arabī described the Station of Proximity. He stated that when he arrived at this station he saw that the *mujtahid* scholars had been firmly established in this station without being aware of it. The divine inspiration for their different positions flowed to them from this station, and they were therefore all upon the truth in their different positions. He likened this to the pre-Islamic prophets who had different sacred laws (Q 5:48) and yet each was correct. However, these *mujtahids* were not gifted with spiritual unveiling (*kashf*), and so they were not aware that they were in the Station of Proximity, nor were they aware that their knowledge came to them from God. That is why they rejected each other’s positions as incorrect. It was only those *mujtahid* scholars who were also people of unveiling, who did not reject the positions of the others.²⁰⁸ Ibn ‘Arabī surprisingly therefore accorded the *mujtahid* imams the highest spiritual rank possible. However he differentiated between those who had unveiling and knew that they possessed this rank and those who did not. Elsewhere in his treatment of the *afrād* Ibn ‘Arabī specifically named Aḥmad ibn Ḥanbal as being one of the greatest to ever reach this rank.²⁰⁹ Similarly Ibn ‘Arabī also quoted a story from al-Qushayrī’s classic treatise on Sufism, *al-Risāla*, where al-Khaḍir taught one of the saints that al-Shāfi‘ī was one of the Four Pillars (*awtād*).²¹⁰ In Ibn ‘Arabī’s hierarchy, these Four Pillars, are among the *afrād*.²¹¹ Based on this ‘testimony from al-Khaḍir,’ Ibn ‘Arabī argued that al-Shāfi‘ī was one of the great knowers of the realities pertaining to the nature of the Sharī‘a.²¹²

²⁰⁷ Al-Tirmidhī, *Ithbāt al-‘ilal*, 86-7.

²⁰⁸ Ibn ‘Arabī, *Futūḥāt*, 2:261-2.

²⁰⁹ ‘Among the *aqṭāb* of this station are ‘Umar ibn al-Khaṭṭāb and Aḥmad ibn Ḥanbal’ (Ibn ‘Arabī, *Futūḥāt*, 2:200).

²¹⁰ Al-Qushayrī, *al-Risāla*, 49. On al-Khaḍir see Sands, *Ṣūfī Commentaries*, 79-82.

²¹¹ Chodkiewicz, *Seal*, 107. See also Chapter 6: The Four Pillars (idem, 89-102).

²¹² Ibn ‘Arabī, *Futūḥāt*, 2:200.

3.2 Ibn ‘Arabī’s Sufi Conception of Ijtihād

For Ibn ‘Arabī, *ijtihād* (lit. the expenditure of effort) was the struggle to purify one’s heart in order to receive Heavenly Speech. After that, there was no need for the other type of *ijtihād* practiced by the jurists. He wrote,

We do not say that *ijtihād* is what the scholars of the law (*‘ulamā’ al-rusūm*) mentioned. Rather our definition of *ijtihād* is the expenditure of one’s utmost effort to attain the internal capacity (*al-isti’dād al-bāṭin*) to receive the special descent (of divine inspiration into their hearts)... What will be cast into the heart of this *mujtahid* will be the divine ruling ‘as it really is,’ so that if the Messenger was alive, he would have given the same ruling....Therefore if a *mujtahid* was able to achieve this internal capacity, he would never err. In fact, he would not be doing *ijtihād* with regard to the ruling. Rather he would be transmitting that which he was able to receive of the truth that descended upon him.²¹³

For Ibn ‘Arabī then, *ijtihād* was the struggle to become a saint. God said in the Qur’ān: ‘Fear God and God will teach you (Q 2:282), and ‘If you fear God, He will provide you with higher discrimination’ (Q 8:29).²¹⁴ It is only if one failed in this *ijtihād* that he needed to resort to the *ijtihād* of the scholars.²¹⁵ This recalls al-Tirmidhī’s counsel to his readers in the introduction to *Ithbāt al-‘ilal*, to purify their hearts of their desires in order to receive the light of wisdom needed to understand the law, ‘the external aspect of it, and the internal aspect of it.’²¹⁶ In his response to al-Tirmidhī’s questionnaire in the *Futūḥāt*, Ibn ‘Arabī said, ‘[Al-Tirmidhī] had originally been a follower of the

²¹³ Ibn ‘Arabī, *Futūḥāt*, 3:271.

²¹⁴ Ibn ‘Arabī, *Futūḥāt*, 2:162.

²¹⁵ Ibn ‘Arabī, *Futūḥāt*, 3:271. Ibn ‘Arabī’s views on this other *ijtihād* are the subject of the following chapter.

²¹⁶ Al-Tirmidhī, *Ithbāt al-‘ilal*, 69. See also Chapter One, Section 1.3.3.

Ḥanafī school until he came to know the Law (directly) from the Lawgiver.²¹⁷ Here we see how Ibn ‘Arabī portrayed al-Tirmidhī as being like himself, or from a chronological point of view, portrayed himself as being like al-Tirmidhī in their juristic methodology, if we can call it such.

We will see in the next chapter that Ibn ‘Arabī rejected the use of analogical reasoning because he believed that every silence on the part of the Lawgiver was intentional. Those matters that were not addressed by the revealed sources were ‘forgiven’ as a mercy from God, and there will be no reward or punishment attached to them. There was another reason, however, which was linked to his conception of sainthood. Ibn ‘Arabī, held that the act of legislation through the process of *ijtihād* detracted from one’s state of servitude (‘*ubūda*) to God, because it was God who was the Lawgiver.²¹⁸ As Winkel wrote,

Ibn al-‘Arabī recognise[d] the dangers of extending, through analogy, explicit commands into realms of silence...To silence what was spoken and to vocalise what was silent is to assume Lordship. The [servant], in complete contrast, seeks to be utterly passive and receptive to Allah’s command, like the corpse in the washer’s hands.²¹⁹

For Ibn ‘Arabī the ultimate goal of the Sufī was to distance himself from any remnants of lordship and to achieve perfect servitude.

We have seen (Chapter Two, Section 2.3) that beside the descent of Heavenly Speech, al-Tirmidhī also spoke of an active form of *ijtihād*, where one used the light of wisdom to arrive at a correct understanding of any problem. He called this *siyāq*: to drive a matter back to its origin in the realm of God’s decrees. Al-Tirmidhī chose this

²¹⁷ Ibn ‘Arabī, *Futūḥāt*, 2:115.

²¹⁸ ‘Hold tight to close following (of the Prophet), you will be a servant, and do not originate (*tabtadi*) a new judgement in the realm of servanthood (i.e. the realm of obligations) and so become through that act a lord, for it is He who is the Originator (*badī*), glory be to Him. Remain within the bounds of your own reality.’ (Ibn ‘Arabī, *Futūḥāt* 1: 696).

²¹⁹ Winkel, *Living Law*, 41-2.

word *siyāq* because it was an anagram of the word *qiyās*.²²⁰ The same concept appears throughout Ibn ‘Arabī’s jurisprudential section of the *Futūḥāt*, but he called it *i’tibār*.²²¹ This expression was used before him by the Andalusian Sufi Ibn Barrajān in his Qur’ānic exegesis when passing through the literal meaning of words to their esoteric interpretations.²²² In Ibn ‘Arabī’s conception the wisdom behind the injunctions of the Sharī‘a relate to the interior of the *mukallaf*. The outer prescriptions then, have an effect on one’s interior:

The outer acts on the inner, but there is no prescribed matter for the inner which acts on the outer....The inner relates to the meanings and the outer to physical-sensory acts. One moves from the physical-sensory to the meaning, and one does not move from the meaning to the sensory.²²³

This move from the outward injunctions to their spiritual significance is like al-Tirmidhī’s *siyāq* to the reality behind each injunction. The very word *i’tibār*, comes from the root [‘.b.r.] which means to cross from one place to another, which is why Eric Winkel chose to translate it as the ‘crossover’ (i.e. from the outwardness to the inwardness).²²⁴

Throughout his treatment of jurisprudence in the *Futūḥāt*, Ibn ‘Arabī, on a far greater scale than al-Tirmidhī before him, aimed to show the inner significance of the different rulings of the law, and of the differing juristic positions of the schools. This

²²⁰ We must remember that by ‘*qiyās*’ al-Tirmidhī meant ‘*ijtihād*’, whereas he renamed analogical reasoning *mushākala*.

²²¹ Without the context of al-Tirmidhī’s anagram, the word *siyāq* would not have been the most suitable choice for Ibn ‘Arabī.

²²² McAuley, *Mystical Poetics*, 65. Ibn ‘Arabī did not think as highly of Ibn Barrajān as he did of al-Tirmidhī or benefit from him to the same extent. On the nature of Ibn Barrajān’s influence on Ibn ‘Arabī see Abrahamov, *Ibn al-‘Arabī*, 135-7; Addas, *Quest*, 55.

²²³ Ibn ‘Arabī, *Futūḥāt*, 1:338. In this there is a rejection of antinomian mystics who might say that their interior states can negate or change their outward worship. Here, it is only the outward that has an effect on the inward, and not the other way around.

²²⁴ See Winkel, *Living Law*, 42.

treatment of the five pillars and ritual purification formed an extended section of the *Futūḥāt*, which in Osman Yahya's critical edition comes to 2,654 pages,²²⁵ and in Aisha Bewely's translation comes to approximately 1,300 pages.²²⁶ Winkel gave a description of this section of the *Futūḥāt*:

The text itself follows a standard format of *fiqh* books. The discussion is initiated by an enumeration of the differing positions held among the scholars of the legal discourse for each issue. Ibn al-ʿArabī only rarely identifies the different positions held with the scholars or schools which hold them. After he has enumerated the various positions held by the ulama [people of knowledge], he goes on to explore, through a process of metaphorical interiorisation, the inward realm corresponding to the various positions. Only in rare cases does he actually criticise a position. Instead, he explains the 'secret' (*sirr*) behind each position.²²⁷

By looking at the beginning of several sections where the various positions on any subject are enumerated, I have found that Ibn ʿArabī used Ibn Rushd's *Bidāyat al-mujtahid* as the basis for his work. He used the *Bidāya* as his source for the different opinions of the schools, but removed the names of the figures to which the positions were attributed and was content with presenting the positions themselves. He changed Ibn Rushd's wording only slightly. Ibn ʿArabī also did not discuss all the matters that Ibn Rushd discussed in his work, perhaps only choosing what he deemed to be the more important issues. It is noteworthy that Ibn ʿArabī did not use Ibn Ḥazm's *al-Muḥallā* as the basis for his work. The main difference between the two works is that Ibn Rushd presented the different opinions and their evidences without attempting to 'find the right answer' whereas Ibn Ḥazm did argue for the correct answer on each matter. He may have wanted a text that gave him the different positions and their evidences and allowed

²²⁵ Based on the break down given by Winkel in *Mysteries*, 12.

²²⁶ She translated these sections into five different books for Kazi publications. See the series of books: *Ibn al-ʿArabī on the Mysteries of Purification and Prayer*, *Ibn al-ʿArabī on the Mysteries of Fasting*, etc.,

²²⁷ Winkel, *Mysteries*, 11.

him to make his own choices. This is a sign of Ibn ‘Arabī’s independence of thought and his lack of loyalty to the Zāhirī school.

We have seen (Chapter One, Section 1.3.3) that al-Tirmidhī’s inspired explanations of the *ratio legis* behind the different parts of the law were many times inspired by the language and structure of the terms whose *ratios* he was explaining.²²⁸ In fact, this is exemplified most clearly by his description of the reality of ‘real *qiyās*’ as ‘*siyāq*.’ Ibn ‘Arabī relied very heavily on this linguistic based crossover, as it featured in most of his discussions.

I will give two brief examples from Ibn ‘Arabī’s jurisprudential discussions. The first will show how Ibn ‘Arabī’s *ratio legis* often revolved around an insight or conceptualisation of the matter at hand as a whole, rather than an exploration of its parts. The second example will show how he, like al-Tirmidhī, explained the differences of opinions between different schools of law as being based on inspired knowledge. The example will also show Ibn ‘Arabī’s language-based crossover.

The first example is concerned with whether or not women can lead men in the ritual prayer. Ibn ‘Arabī’s answer is that the Prophet had stated that women could also reach perfection just like men could. Perfection, Ibn ‘Arabī argued, meant leadership. Therefore, women may lead other men and women in prayer.²²⁹ This ruling is not arrived at by analogical reasoning but by arriving at an insight into the origin of the role of leadership, which is in perfection. The perfect lead those who are not. Once this is understood, and since it is known by way of a prophetic tradition that women could also attain to perfection, it becomes known that women could lead others in prayer.

The second example, which Winkel studied, is also related to the issue of leadership in prayer. On the issue of whether a prepubescent child [*ṣabī*] may lead

²²⁸ See also Khālīd Zahrī (ed.) in al-Tirmidhī, *Ithbāt al-‘ilal*, 48.

²²⁹ Ibn ‘Arabī, *Futūḥāt*, 1:447. I have simplified the argument slightly to avoid a longer discussion related to Ibn ‘Arabī’s conception of sainthood which is beyond the scope of this study. Ibn ‘Arabī further added that there was no text in the revealed sources that could be used as evidence against women leading men in prayer. Ibn Ḥazm did not approve of women leading men in prayer (Ibn Ḥazm, *al-Muḥallā*, 81: 135-6).

others in prayer, Ibn ‘Arabī cited three opinions: 1) those who rejected it completely, 2) those who accepted it completely, and 3) those who only accepted it for supererogatory prayers but not obligatory ones. For Ibn ‘Arabī, the opinion objecting to the child’s leadership in prayer was based on the crossover from the word *ṣabī* (child), which comes from the root word [ṣ.b.ī] which means to incline to something out of desire. He wrote,

The crossover of the matter for that is, that one says, ‘So and so childishly tends [ṣ.b.ī.] to something’ when he inclines to it, and since the child inclines toward the property of Nature, and is swayed by his individual desires, he is called a child (*ṣabī*); meaning, he is inclined to his cravings. He is without maturity in respect to intellect, which is required for the prescription of the Law. Nature, in its standing, is without the intellect, so it is not correct for Nature to have priority, nor for the one who inclines to Nature to have priority...so in fact Nature has the position of the one behind, and indeed [the one who inclines to Nature] is behind, and the one who is behind shall not be a leader standing in front: it is the opposite of what the property of leadership is about. So the one who considered *this* crossover did not permit the leadership of the child even if he is a reciter. As for the one who considered the fact that he carries the Qur’ān within him (i.e. has memorised the Qur’ān), he understood the leadership to be that of the Qur’ān, not of the child...so he permitted the leadership of the child....And the one who saw the worship of a child to be a free-will worship - in the absence of a prescription of the Law requiring him to do it - and who saw that supererogatory prayers are a freely-willed act of worship, he permitted the prayer of the child as the leader for supererogatory prayers, but not for the required prayer...²³⁰

In the above fashion, Ibn ‘Arabī, over hundreds of pages relating to jurisprudence, mentioned the different positions held by the schools of law, and then

²³⁰ Based (with minor changes) on the translation by Winkel, *Living Law*, 23-4.

then ‘illuminat[ed] the “crossover” (from outward ritual to inward truth) involved in each case.’²³¹

3.3 The Role of the Elect

We have spoken at length about the role that al-Tirmidhī ascribed to the Elect, specifically that he viewed them as being ‘sent’ back from God in a general sense, to fulfil a specific function and to provide guidance to the people. They were to advise them, clarify the Sharī‘a for them, and encourage them to act upon it. Ibn ‘Arabī understood the role of greatest saints in the same way. Much like al-Tirmidhī, Ibn ‘Arabī conceived of the saint’s journey to God as a spiritual parallel of Muḥammad’s physical ascension above the seven heavens to the presence of God. After having reached the divine presence and acquired knowledge of God, the saints of God are ‘sent’ back to the world of men. Some saints are sent back in the specific sense of simply returning to a state in which they see the world of creation and interact with it, having now attained to true knowledge of God and of the world. These people are called the Knowers of God or gnostics (‘*arifūn*). Other saints are sent back in a more general sense - the Tirmidhīan sense - meaning that they are sent to guide the people. Ibn ‘Arabī called them the ‘scholars by way of spiritual inheritance’ (‘*ulamā’ bi-l-wirātha*) in reference to the tradition that states, ‘the scholars are the inheritors of the prophets;’ he also simply called them ‘the people of knowledge’ (‘*ulamā’*) or the inheritors (‘*wārithūn*).²³² As Chodkiewicz noted, ‘Unlike the majority of authors, Ibn ‘Arabī generally puts *‘ilm* (knowledge), which is a divine attribute, and the *‘ālim*...higher than

²³¹ Winkel, *Living Law*, 24. Ibn ‘Arabī wrote in the *Futūḥāt* of his desire, had God given him a long enough life, to dedicate a large work to all legal questions, in which he would exhaust all that needs to be said about the rulings from the outward legal perspective, before delving into the inward rulings. He had to restrict himself in the *Futūḥāt*, however, to the basics of the five pillars, plus purification (Ibn ‘Arabī, *Futūḥāt*, 1:334-5).

²³² Ibn ‘Arabī, *Risāla fī l-walāya*, 25-8, as quoted by Chodkiewicz in *Seal*, 171.

ma'rifa (gnosis) and the *'arif* (the gnostic).²³³ Ibn 'Arabī saw himself as the supreme heir of the Prophet Muḥammad and therefore the greatest of those inspired interpreters of the Sharī'a that were sent to guide the people to it.²³⁴ These *afrād* are those who followed Muḥammad in the fullest sense as described in the Qur'ān, 'Say (O Muḥammad): This is my way, I call to God with sure knowledge (*baṣīra*), I and those who follow me' (Q 12:108). According to Ibn 'Arabī,

They preserve the correct Sharī'a in which there is no doubt for their own selves and for those who follow them from this community....However they must hide their spiritual rank, and they must not correct the scholars regarding what they think is correct, even though they know it to be wrong. Rather they are like the *mujtahid* who may only judge on a matter according to what his evidence leads him to, and yet has no right to accuse those who made a different judgement of being wrong. This is because the Lawgiver has approved of that judgement with regard to [the *mujtahid*] who reached it.²³⁵

In this respect he differed from al-Tirmidhī who gave the Elect, as 'those possessing authority,' the final say on matters of jurisprudence (Chapter One, Section 1.3.2). Likewise we have shown al-Tirmidhī's criticism of traditionists who are not saints, and how they could make mistakes in narrating traditions because of not understanding the higher realities behind the prophetic statements (Chapter Two, Section 2.5). Al-Tirmidhī held that they may confuse terms that outwardly seemed similar, and therefore change the meaning or intent of the prophetic statement. 'It was the People of Wisdom,' he concluded, 'that could distinguish between different

²³³ Chodkiewicz, *Seal*, 181. Chodkiewicz translates *'ālim* as 'wise man' whereas literally it means 'a man of knowledge.' Al-Tirmidhī gave several names to God's Elect. Whereas in one work he called them the *'arifūn* (*al-Mufarridīn*, 57), in another work al-Tirmidhī presented the following ascending hierarchy: scholars (*people of 'ilm*), wise men (knowers of God's decrees and apportionment), and knowers of God (*'ulamā' billāh*) (*Nawādir*, 2:40).

²³⁴ Perhaps with the exception of the Mahdī whose task 'at the end of time, is to secure, by the sword, the submission of the universe to the sacred Law whose inspired interpreter he is.' (Chodkiewicz, *Seal*, 137). We will speak more about the Mahdī as inspired interpreter of the Law below.

²³⁵ Ibn 'Arabī, *Futūḥāt*, 1:151. In the next chapter we will see in more detail Ibn 'Arabī's position on God's approval of the result of each *mujtahid's ijtihād* for himself.

narrations: which are true and which are faulty.²³⁶ For al-Tirmidhī, it was their understanding of the terms in the traditions, an understanding only available to the saints, that gave them this authority. Ibn ‘Arabī likewise gave the same authority in this field to the saints. He held that the saints could use their *kashf* (spiritual unveiling) to tell whether a tradition was authentic or not, regardless of what the traditionists have said about its chain of transmission. Ibn ‘Arabī sometimes verified the authenticity of certain traditions through dreams,²³⁷ and sometimes by waking visions of the Prophet Muḥammad.²³⁸ In some cases Ibn ‘Arabī simply referred to having verified traditions by way of unveiling.²³⁹ As Chodkiewicz noted,

Ibn ‘Arabī, who, even when an old man, never ceased to study the *ḥadīth* in the usual ways and knew everything there was to know about the traditions, says on several occasions that an ‘unveiling’ (*kashf*) is the only sure way of judging the validity of a particular remark attributed to the Prophet, and in so saying he challenges the doctrinal authority of the doctors of the Law.²⁴⁰

²³⁶ Tirmidhī, *Nawādir*, 4:117-122 (Chapter on the Secret of Transmitting Traditions in their Meaning).

²³⁷ Like a tradition narrated by al-Nasā’ī on the permissibility of circumbulating the Ka‘ba at any time of the day. Ibn ‘Arabī, as with some previous traditionists, doubted its authenticity until he saw the Prophet in his dream telling him a similar statement. This confirmed to him the truthfulness of al-Nasā’ī’s narration (Ibn ‘Arabī, *Futūḥāt*, 1:706).

²³⁸ ‘There are saints who exchange words (*ḥadīth*) with the Prophet in the course of an unveiling, stand with him in the world of unveiling and contemplation, and receive from him his words....Such a vision must take place in a state of wakefulness (*yaqāza*). The saint receives directly from the Prophet, who confirms for him the authenticity of certain *ḥadīth* whose transmission has been criticised.’ (Gril, ‘*Ḥadīth*,’ 60).

²³⁹ See footnote above. It is also possible however that it is a more general type of general vision or divine contemplation. For example, when referring to the canonical tradition that states, ‘God has created Adam in His image,’ he states, ‘In a version authenticated by unveiling (*fī riwāya yuṣaḥḥiḥu-ḥā l-kashf*), even if it is not firmly established by the masters of transmission (*ashāb al-naql*), it is said: “in the image of the All-Merciful.”’ Likewise for another tradition on the Companions of the Prophet meeting a long-lived disciple of Jesus, he wrote, ‘This *ḥadīth*, even if its way of transmission is criticised, is authenticated for us and for our fellows by unveiling (*kashf*)’ (Gril, ‘*Ḥadīth*,’ 53).

²⁴⁰ Chodkiewicz, *Seal*, 61.

We therefore see that both Ibn ‘Arabī and al-Tirmidhī had a different approach to normal traditionists, and gave the saints a way of authoritative and certain knowledge about the authenticity of traditions that was inaccessible to non-saints.

3.4 Ibn ‘Arabī on Traditions and the Traditionists

We have seen that Ibn ‘Arabī aimed to reach a state of perfect servitude to God (*‘ubūda*).²⁴¹ This was through the negation of all attributes that were also shared with God. According to Ibn ‘Arabī, God honoured his messengers by calling them messengers and not *awliyā’*. That is because the term ‘messenger’ can only apply to man, not to God. The term *walī*, on the other hand, is also one of God’s Names (*al-Walī*), and thus signified a contestation, to a degree, of God’s lordship. Thus the state of being a messenger increased one’s spiritual perfection. Since the line of messengers had come to end with Muḥammad, the only way left to achieve this perfection was to narrate prophetic traditions with their uninterrupted chains of transmission. The Prophet had opened this door for his followers when he entrusted them with the mission of conveying his words to others, saying, ‘Let the present transmit to the absent.’ By transmitting the Prophet’s words, one became a messenger of the messenger of God, and therefore ultimately shared in the quality of being a messenger of God. Therefore none can reach the highest stations of servitude to God except those who narrate prophetic traditions. The greatest honour, in the sight of Ibn ‘Arabī, was the combination of being a *muḥaddath* and a *muḥaddith* (traditionist). Furthermore the term *muḥaddath* was preferable, for those who had that rank, than the term *walī*.²⁴²

Like al-Tirmidhī before him, Ibn ‘Arabī studied the prophetic traditions extensively from many masters, but also like him, he was more famous as a Sufi. Ibn ‘Arabī, however, has not received enough appreciation as a traditionist. Ibn ‘Arabī

²⁴¹ Ibn ‘Arabī most likely took this term from al-Tirmidhī who used it to refer to pure servanthood (see al-Tirmidhī, *al-Furūq*, 110: ‘On the Difference Between *‘ubūda* and *‘ibāda*’).

²⁴² Ibn ‘Arabī, *Futūḥāt* 1:229.

began studying prophetic traditions at an early age, soon after he decided to devote himself to God, and attributed this decision to a set of visions that he had seen. He had grown up in a military family that was close to the Caliph, and was not in his youth interested in the religious disciplines.²⁴³ After he turned to God - Ibn 'Arabī was encouraged by a group of his companions to study books of jurisprudence. He then saw a dream in which he was in an open field and a group of armed men were trying to kill him. Ibn 'Arabī saw the Prophet Muḥammad on top of a small hill, and ran to the Prophet's great embrace. The Prophet said to him, 'My beloved, hold fast to me and you shall be safe,' at which point all of his enemies vanished. 'From that time,' he wrote, 'I busied myself with the writing of prophetic traditions.'²⁴⁴ There is great significance in this vision because it taught Ibn 'Arabī that spiritual perfection can only be attained by close following and imitation of the Prophet Muḥammad's example.²⁴⁵ This recalls the dream that al-Tirmidhī wrote in his autobiography where he saw himself walking behind the Prophet Muḥammad, placing his feet exactly where the Prophet placed his feet in every step, walking so close behind him that he almost touched the Prophet's back.²⁴⁶

In another vision, Ibn 'Arabī saw Mālik ibn Anas, the great traditionist after whom the Mālikī school of jurisprudence is named, and asked him what he should read. Mālik said to him, 'Do you like to read the books of jurisprudence (*ra'y*)?' At this point, Ibn 'Arabī saw a man who busied himself with books of jurisprudence, scavenging through a garbage dump and turning away from Mālik. Ibn 'Arabī said, 'I fear that the books of jurisprudence would lead me to where they led this man.' Mālik smiled and said, 'You have spoken the truth! My son, busy yourself with writing traditions and

²⁴³ On his youth and how he turned to God see Addas, *Voyage*, 11-30.

²⁴⁴ Ibn 'Arabī, *al-Mubashshirāt*, 432.

²⁴⁵ See footnote above, and Addas, *Voyage*, 20-1.

²⁴⁶ Al-Tirmidhī, *Budū sha'n*, 16.

acting upon them.’²⁴⁷ This vision is highly significant because it reflects Ibn ‘Arabī’s reaction to the religious atmosphere of his time.

Ibn ‘Arabī was born at the time that the Almohad dynasty was wresting Muslim Spain from Almoravid control, and Ibn ‘Arabī’s father, having been a general of the Almoravid rulers, soon emigrated to Seville to continue his career in the service of the Almohads.²⁴⁸ The Almoravids were staunch Mālikīs who gave precedence to the study of Mālikī jurisprudence over the books of other schools and encouraged an atmosphere that led to the rise of dogmatically rigid Mālikī jurists.²⁴⁹ Muslim Spain, of course, had mainly been Mālikī for a long time even before Almoravid rule. The Almohads, on the other hand, would encourage the study of prophetic traditions in the Muslim West, while at the same time the Ayyubids and Seljuks would encourage it in the Muslim East.²⁵⁰ An emphasis on traditions was therefore beginning to rise in Ibn ‘Arabī’s environment, but undoubtedly at such an early stage of Almohad rule the hold of Mālikism was still strong. In this vision, it was Mālik himself who taught Ibn ‘Arabī to focus on traditions, not on books of jurisprudence, which in that context would undoubtedly have referred to Mālikī books of jurisprudence. We get another glimpse of this Mālikī hegemony in Ibn ‘Arabī’s surroundings, and how he attributed his liberation from it to a dream vision, in his discussion of the ruling on the raising of hands at different movements of the prayer. In the Mālikī school, the hands are only raised at the initial glorification which signals the beginning of the prayer, but not raised again for the remainder of the prayer. Ibn ‘Arabī, however, wrote that he was commanded by the Prophet Muḥammad himself in a dream vision to raise his hands at two other locations: when going down into the bowing position, and when raising back up from it again. He wrote,

The people of our lands, in their entirety, do not hold this opinion, nor do we have anyone who does this, nor had I ever seen it. When I told my dream to

²⁴⁷ Ibn ‘Arabī, *al-Mubashshirāt*, 432-3.

²⁴⁸ Addas, *Voyage*, 15.

²⁴⁹ Addas, *Voyage*, 13; Adang, ‘From Mālikism,’ 75.

²⁵⁰ Gril, ‘Ḥadīth,’ 47.

Muḥammad ibn ‘Alī ibn al-Ḥājj, who was a traditionist, he narrated to me an authentic tradition from the Messenger of God (may God’s peace and blessings be upon him) stating the same, which was mentioned by Muslim; I later read it myself in Muslim’s *Ṣaḥīḥ* when I began to study the prophetic traditions. I saw later that there is even a narration by Ibn Wahb about Mālik ibn Anas holding the same opinion. Abū ‘Īsā al-Tirmidhī also mentioned the same tradition and said, ‘Mālik and al-Shāfi‘ī acted upon this tradition and held this opinion.’²⁵¹

In the quote above we again have Ibn ‘Arabī claiming, through his dreams and his studies of the books of the traditionists, that the Mālikī school itself was many times at odds with the opinions of Mālik ibn Anas, which it claimed to follow. We see the hegemony of Mālikī thought on Muslim Spain, and we see Ibn ‘Arabī breaking free from it, first based on visions that he had, and then based on his studies and his interaction with traditionists who themselves were affiliated with the Mālikī school.²⁵² We also see in this the importance of dreams on the development of Ibn ‘Arabī’s personality and career, as with al-Tirmidhī whose autobiography consisted mainly of dream visions that he or his wife had for him. Finally, we see an example of the importance that Ibn ‘Arabī placed on dream visions even for learning the Sharī‘a.

Ibn ‘Arabī was not the only person in Muslim Spain in his time to oppose blind following of the Mālikī school of course, and in the next chapter we will look at the presence of the Zāhirī school there. Ibn ‘Arabī mentioned a man called Ibrāhīm ibn Hammām al-Ishbīlī who dedicated himself to the study of traditions and to acting upon them, and according to Ibn ‘Arabī, the jurists of his town rose up against him. Ibn ‘Arabī would later, in Mecca, see a dream in which the Prophet lovingly embraced Ibrāhīm ibn Hammām, kissed him, and told him that he loved him.²⁵³ Likewise Ibn ‘Arabī wrote in *Kitāb al-mubashshirāt* that these very same jurists who rose up against Ibrāhīm ibn Hammām were once discussing the ruling of a certain part of the

²⁵¹ Ibn ‘Arabī, *Futūḥāt*, 3:70. This once again shows Ibn ‘Arabī’s attitude toward inspiration. The dream was not treated as an independent source of knowledge but as a confirmation of a sunna that already existed.

²⁵² Addas, *Quest*, 45.

²⁵³ Ibn ‘Arabī, *al-Mubashshirāt*, 432.

Pilgrimage when someone showed them authentic traditions of the Prophet that they refused to follow. The jurists said, ‘the schools of law have now been settled, and this man wants to question them with these traditions!’ After this incident, writes Ibn ‘Arabī, ‘a righteous man’ saw in his dream that the jurists of his town had gathered together to bury the Prophet under the ground, and upon waking up, he inquired as to the cause of his vision until he was told of this incident.²⁵⁴

Ibn ‘Arabī’s study of traditions was a lifelong one, which increased after he left Muslim Spain for the Muslim East,²⁵⁵ especially upon his first stay in Mecca where he spent much of his two years there ‘deepening his study of *ḥadīth*.’²⁵⁶ In fact as Gril noted, of all the sciences that Ibn ‘Arabī studied, ‘it was to *ḥadīth* that he devoted most time and on which he wrote the most.’²⁵⁷ As with al-Tirmidhī who greatly contributed to the field of traditions with such works as *Nawādir al-uṣūl* and *al-Manhiyyāt*, Ibn ‘Arabī made contributions to the field of traditions, the significance of which have been underestimated.

3.4.1 Ibn ‘Arabī’s Contribution to Field of Traditions

Ibn ‘Arabī stayed in Tunis twice, once for almost a year in 590/1194 before returning to his home land, and again in 598/1201 after he left Muslim Spain for good, on the way to the Muslim East. In both visits his main concern was to stay with the Sufi shaykh ‘Abd al-‘Azīz al-Mahdāwī, one of the most famous disciples of the Sufi shaykh Abū Madyan, who was a major influence on Ibn ‘Arabī.²⁵⁸ In al-Mahdāwī’s house he met the Andalusian scholar and Sufi Abū l-‘Abbās Aḥmad al-Ḥarīrī who had lived next door to him in Seville, and from whose brother Ibn ‘Arabī had learned the Qur’ān as a

²⁵⁴ Ibn ‘Arabī, *al-Mubashshirāt*, 431-2.

²⁵⁵ Gril, ‘*Ḥadīth*,’ 46.

²⁵⁶ Addas, *Voyage*, 103.

²⁵⁷ Gril, ‘*Ḥadīth*,’ 47. For a list of Ibn ‘Arabī’s *ḥadīth* teachers see Addas, *Quest*, 97-100 and 312-14.

²⁵⁸ On these visits see Addas, *Voyage*, 52-3, 68; *Quest*, 114. On Ibn ‘Arabī’s relationship with Abū Madyan see Addas, ‘Abu Madyan,’ 163-180.

child.²⁵⁹ Al-Ḥarīrī told Ibn ‘Arabī that he used to prefer Abū Ḥanīfa over the other imams for his great mind and his sound juristic opinions (*ḥusn ra’yihī*) until he saw a vision in which he learned that ‘salvation is in following prophetic traditions.’ When Ibn ‘Arabī arrived in Mecca, he related al-Ḥarīrī’s vision to the judge ‘Abd al-Wahhāb al-Azdī of Alexandria. This shows the great deal to which thoughts about this subject matter concerned him. Al-Azdī affirmed what al-Ḥarīrī had said, and related to him another story. He spoke of a righteous man who passed away, and was seen in a dream by another righteous man. The dead man was asked about what he saw in the afterlife, and he replied,

I saw books being raised, and books being lowered. I asked about them, and I was told, ‘As for those that are raised, they are the books of traditions, and as for those that are being lowered, they are the books of jurisprudence- they will remain that way until their authors are questioned about them.’²⁶⁰

It is not surprising, then, to see Ibn ‘Arabī wishing to write books of tradition. We must note something here also: that in all the visions mentioned in *Kitāb al-mubashshirāt*, Ibn ‘Arabī referred to books of jurisprudence as ‘*kutub al-ra’y*’, books of juristic opinion, a condescending term used by the early Traditionalists against the Rationalists.

It was in the year 600/1204 in Mecca, shortly after having heard the above-mentioned vision, that Ibn ‘Arabī began composing *al-Maḥajja l-bayḍā’ fī l-aḥkām al-shar’iyya*.²⁶¹ This work followed the genre of *aḥādīth al-aḥkām* works, like the ones written by the Traditionist-Jurisprudents (Chapter Two, Section 2.1). The surviving portion, which constituted the second volume, focused on ritual prayer and alone

²⁵⁹ On al-Ḥarīrī see Addas, *Quest*, 194-6.

²⁶⁰ Ibn ‘Arabī, *Kitāb al-mubashshirāt*, 433.

²⁶¹ On the date of this work’s composition see Gril, ‘Ḥadīth,’ 48 and al-Ghurāb, *al-Fiqh*, 6, n. 1. Al-Ghurāb questioned this work’s attribution to Ibn ‘Arabī, but other scholars affirmed that his authorship of the work cannot be disputed. It is listed among the *Fihris* and *Ijāza* in which Ibn ‘Arabī listed his own writings, and the second volume was written in the shaykh’s own handwriting. Furthermore, the manuscript copy bears an ownership note by Ibn ‘Arabī’s greatest disciple Ṣadr al-Dīn al-Qūnawī, confirming its authenticity.

discussed 528 matters relating to prayer.²⁶² For each question, the book listed the opinions of all the schools of law and other Sunni scholars, then presented the traditions that they relied upon, followed by a grading of the authenticity of these traditions and the reliability of the transmitters in their chains.²⁶³ Had this work been completed it would have been one of the most comprehensive works of this genre, and may have earned Ibn ‘Arabī a place among the greatest scholars of traditions and jurisprudence.

Ibn ‘Arabī also wrote abridgements of the three great *ḥadīth* collections *Ṣaḥīḥ al-Bukhārī*, *Ṣaḥīḥ Muslim*, and *Sunan al-Tirmidhī*, which are now lost.²⁶⁴ He also wrote *al-Miṣbāḥ fī al-jam‘ bayn al-ṣiḥāḥ*, which some scholars believe, based on the name, that it was ‘a synthesis of the six canonical collections.’²⁶⁵ Ibn ‘Arabī also wrote a collection of 101 *aḥādīth qudsiyya*, non-Qur’ānic sayings of God stated by the Prophet Muḥammad. Stephen Hirtenstein stated that this was only the second oldest collection of this genre of traditions, and that it may have therefore contributed to the popularisation of this genre.²⁶⁶ This in itself would be an important contribution to the field of prophetic traditions.

Ibn ‘Arabī’s greatest disciple and son-in-law Ṣadr al-Dīn al-Qūnawī was described as a great traditionist himself,²⁶⁷ and there is no doubt that Ibn ‘Arabī would have been one of the main - if not the main- influences on al-Qūnawī to pursue this field of study. We see al-Qūnawī likewise share Ibn ‘Arabī’s attitude to juristic opinions and his strict adherence to traditions in his final will. In this will he wrote, ‘I enjoin them to wash my body in keeping with what is mentioned in the books of prophetic traditions, not in keeping with what is mentioned in the books of jurisprudence.’ Likewise in

²⁶² This only surviving portion of the work has recently been stolen from the Yusuf Aga library.

²⁶³ Al-Ghurāb, *al-Fiqh*, 6, n.1; Gril, ‘Ḥadīth,’ 48.

²⁶⁴ Gril, ‘Ḥadīth,’ 47.

²⁶⁵ Hirtenstein and Notcutt in Ibn ‘Arabī, *Divine Sayings*, 11.

²⁶⁶ Hirtenstein and Notcutt in Ibn ‘Arabī, *Divine Sayings*, 1, 6.

²⁶⁷ Hirtenstein, ‘Image,’ 70.

keeping with the *ḥadīth* literature, and in opposition to later dispensation given by the jurists of the Ḥanafī school and others, he also requested that no structure be built over his grave.²⁶⁸

3.5 Ibn ‘Arabī on Close Following of the Prophet

Ibn ‘Arabī’s jurisprudence, be it his theory or practice, was not only guided by traditions as opposed to the practice of the schools. Ibn ‘Arabī was also gravely concerned with the issue of close following (*mutāba‘a*) of the Prophet Muḥammad’s model, and that did not always correspond to a simplistic division of traditions vs *ra’y*, but took on different dimensions as I will show. Ibn ‘Arabī, as previously mentioned, held that the saints were heirs of the Prophet Muḥammad. Most saints, however, could not inherit the Muḥammadan state in its totality and only inherited from him a certain part of his spirituality which corresponded to what another prophet also inherited from Muḥammad. Some saints were therefore *‘īṣawī* (Jesus-like), others *mūsawī* (Moses-like), etc.²⁶⁹ Ibn ‘Arabī considered himself not only a *muḥammadī*, but the Seal of all the Muḥammadan Saints, meaning the last Muḥammadan saint and the most complete and perfect of them.²⁷⁰ This idea of a Seal of the Saints, of course, he took from al-Tirmidhī. As the most complete heir of Muḥammad, Ibn ‘Arabī undoubtedly was concerned with perfect imitation of the Muḥammadan model in a way that I will soon clarify. This concept was not unique to him, and is possibly the single most important theme in the teachings of his contemporary Shams al-Tabrīzī (fl. 640’s/1240’s), the famed shaykh of Jalāl al-Dīn Rūmī (d. 672/1273). Shams divided Sufis into Muḥammadan Sufis and non-Muḥammadan Sufis, and he criticised any Sufī practice that was not specifically done by the Prophet Muḥammad as being an innovation that belongs to followers of other prophets. For example Shams criticised the popular forty

²⁶⁸ Chittick, ‘Last will and testament,’ 43-58.

²⁶⁹ See Chodkiewicz, *Seal*, 74-88: Chapter Five: ‘The Heirs of the Prophets.’

²⁷⁰ See Chodkiewicz, *Seal*, 128-146: Chapter Nine: ‘The Seal of Muḥammadan Sainthood.’

day seclusion, which he said belonged to the followers of Moses whose appointed time with God in the desert was forty days.²⁷¹ Shams met Ibn ‘Arabī in Damascus and became very close and intimate with him.²⁷² It is not clear, however, who took the emphasis on close following from whom, if indeed one of them took it from the other.²⁷³ It is possible that Shams might have developed an intense emphasis on this concept and influenced Ibn ‘Arabī. It is also possible that Shams took this concept from Ibn ‘Arabī because he described him as someone who regularly claimed this close following of the Prophet, but then judged Ibn ‘Arabī by his own criteria and found him lacking in it (according to his understanding).²⁷⁴

Shams described Ibn ‘Arabī as ‘such an exalted scholar, who is more knowledgeable than me in every way.’²⁷⁵ ‘He was a profound man,’ said Shams, ‘but he was not in conformity [to the Muḥammadan paradigm].’ Someone protested, ‘[On the contrary,] he was the essence of conformity.’ Shams replied, ‘No, he did not conform.’²⁷⁶ The response of people from Rumi’s circle in Konya, that Ibn ‘Arabī was

²⁷¹ In reference to the Qur’ān (Q 2:51). See Chittick, *Me & Rumi*, 147. For his general teachings on *mutāba‘a* see 68-88.

²⁷² Safi, ‘Two Oceans,’ 78.

²⁷³ This theme of close following of the Prophet became a highly popular topic in 7th-8th/13th-14th century Anatolia, as part of the Mevlevi order’s attempt to establish itself there. The Mevlevi order, founded by Rūmī, was highly concerned with this concept which gave them a sense of superiority over other orders (see Safi, ‘Two Oceans,’ 86-7). However was this concept popular in the Muslim East when Shams and Ibn ‘Arabī lived in Damascus, or was this a concept that was only introduced into Anatolia by Shams?

²⁷⁴ Shams did not make clear where he found Ibn ‘Arabī lacking in *mutāba‘a*, but it could have been with regard to his complex metaphysical writings. Shams criticised those who spoke of complex metaphysical or cosmological teachings that the Prophet Muḥammad himself did not speak of and called for the simple ‘religion of old women’ (Chittick, *Me & Rumi*, 88-103).

²⁷⁵ Omid Safi, ‘Two Oceans,’ 78.

²⁷⁶ Omid Safi, ‘Two Oceans,’ 81.

in fact the very personification of close following, is telling of the image that Ibn ‘Arabī projected of himself in his teachings and practice.²⁷⁷

I will give an example of how the concern with close following influenced Ibn ‘Arabī’s jurisprudential thought and practice using his treatment of the subject of the *tarāwīḥ* prayers, the extra prayers that Muslims pray in congregation during the nights of the month of Ramadan. The view held by the four Sunni schools is that the Prophet established the *tarāwīḥ* prayers as a *sunna* for his community. According to the narrations, the Prophet led his followers in this prayer for three nights in a row to teach them how to do it, and then returned to his daily routine of praying ten units of prayer by himself at his home. The Prophet expressed his fear that if he practiced this regularly with them, God would bring down a revelation changing the status of this prayer to an obligation. So the Prophet taught his Companions about this prayer by example, and then did not himself continue praying it, and nor did they. When ‘Umar became caliph he established this prayer, as it was no longer possible after the Prophet’s passing for a Divine revelation to come down and make this prayer obligatory. He appointed another Companion to lead the Muslim congregation and chose the number of twenty units of prayer, though the narrations indicate that ‘Umar himself did not partake of this prayer which he established for the rest of the Muslims. This prayer became well established, and although in the first two centuries there were variations on the number of units of this prayer (for example at the time of the Caliph ‘Umar II, it was twenty units in Mecca but thirty-six in Medina), eventually all four schools agreed on the number twenty until the modern day.²⁷⁸

In Ramadan Ibn ‘Arabī chose to go against the majority of the scholars and to pray ten units of night prayers (*qiyām al-layl*) individually at home, in imitation of the Prophet, instead of the twenty-unit prayer in the mosque that was taught by the Prophet

²⁷⁷ Shams also said of Ibn ‘Arabī’s perception of himself, ‘From time to time Shaykh Muḥammad [Ibn al-‘Arabī] would bow down in prayer, and prostrate himself, and would say: ‘I am the servant of the folk of the sacred law (Sharī‘a).’ But he did not conform [to the Muḥammadan paradigm]. (Safi, ‘Two Oceans,’ 84).

²⁷⁸ See for example the traditions in *Ṣaḥīḥ al-Bukhārī*, 3:44-5, and the commentary of Ibn Ḥajar in *Fath al-Bārī*, 4:25-4.

for his community and formally instituted by ‘Umar. Ibn ‘Arabī thus first declared that in his opinion, there was no set number of units to fulfil the supererogatory nightly prayers of Ramadan, ‘however, if one must follow someone then let him follow the Messenger of God in this.’ This, way, he stated, one could combine between doing supererogatory night prayers in Ramadan and between following of the Prophet’s example.²⁷⁹ In this case, it was not a matter of following the traditions vs following of the practice of the schools of law. Here we have a difference between two practices of the Prophet himself, one which he instituted for his followers, and one which the Prophet did himself due to the obligation that God had placed on him to perform prayers in the night (Q 17:79). It is unknown what number of units the Prophet prayed in his first two nights in the mosque, whether they were ten, twenty, or another number, and therefore in doing twenty units one could not be sure if he was following the Prophet, as it could have been a number chosen by ‘Umar and the rest of the Companions. Ibn ‘Arabī was fully aware that the Prophet himself taught this prayer for his community, yet he chose to follow the Prophet’s actual personal practice (as did ‘Umar himself who did not partake in the *tarāwīḥ*) and in this he broke with the majority of the scholars.²⁸⁰

Similarly in Ibn ‘Arabī’s discussion on reciting the Qur’ān while in a state of major impurity, he argued that in his belief the Qur’ān could be recited in any state, even during major ritual impurity, but that at the same time he disapproved of it, ‘in order to imitate the Messenger of God.’ This is especially so, Ibn ‘Arabī, insists, for the heir who wants to ‘follow the one from whom he inherits.’²⁸¹ In this case, it seems Ibn ‘Arabī approved of this action for the general public, but disapproved of it for those who wanted to be true heirs of the Prophet such as himself. For a final example, there are several supplications that are attributed to the Prophet at the beginning of the ritual prayer, before the recitation of the *Fātiḥa*. The Mālikī school denied that any of them

²⁷⁹ Ibn ‘Arabī, *Futūḥāt*, 1:495-7.

²⁸⁰ Ibn ‘Arabī’s position is not to be confused with the contemporary Salafī position that the twenty-unit *tarāwīḥ* prayer is an unacceptable innovation in the religion. On a discussion of this position, see the response of Ṣāliḥ al-Ja‘farī (d. 1979), imam of the Azhar Mosque, in al-Ja‘farī, *Dars al-Jumu‘a*, 2:188-91. On al-Ja‘farī see Chapter Six, Section 6.5.3.

²⁸¹ Ibn ‘Arabī, *Futūḥāt*, 1:367.

were obligatory or recommended and went directly to the *Fātiḥa*, but the Shāfi'īs considered one of them, a supplication from the Qur'ān,²⁸² to be obligatory, whereas the Ḥanafīs chose another supplication known as the *tasbīḥ* that was narrated in less prestigious collections.²⁸³ Ibn Ḥazm chose the supplication of *tasbīḥ* and attributed that position to Dāwūd al-Zāhirī and many others among the early imams, declaring it a good *sunna*.²⁸⁴ Ibn 'Arabī differed from all the schools above and chose a third supplication narrated in the two most canonical collections.²⁸⁵ He also stressed that none of these supplications were obligatory and that he chose the one 'narrated in the *sunna*' for the sake of close following and not because it was obligatory. Furthermore, he argued that the Qur'ānic supplication chosen by the Shāfi'ī school was only narrated in the description of supererogatory night prayers, and therefore close following of the Prophet meant only reciting it in devotional night prayers and not in the five obligatory prayers.²⁸⁶ Again this could be seen as a radical form of close following of the Prophet in which Ibn 'Arabī disapproved of using a supplication at the beginning of the obligatory prayers which the narrations only mentioned in descriptions of the Prophet's night prayers. Ibn 'Arabī here again refused to do any action that was not known to be the practice of the Prophet himself, and then he chose for the obligatory prayers the supplication that came from the most canonical traditions, going against the practice of the rest of the schools of law. These are just some examples demonstrating the role that the concept of close following of the Prophet, and the image that Ibn 'Arabī held of himself as a perfect inheritor of the Prophet, played in developing his jurisprudential opinions and practice. This was in turn based on Ibn 'Arabī's typology of saints.

²⁸² 'I direct my face to the One who created the Heavens and the Earth' (Q6:79).

²⁸³ On all these positions see Ibn Rushd, *Bidāya*, 1:131.

²⁸⁴ Ibn Ḥazm, *al-Muḥallā*, 3:13-14.

²⁸⁵ See Ibn Rushd, *Bidāya*, 1:131.

²⁸⁶ Ibn 'Arabī, *Futūḥāt*, 1: 412.

3.6 Conclusion

We have seen that Ibn ‘Arabī studied the works of al-Tirmidhī and benefited from them greatly. He took al-Tirmidhī’s teachings on sainthood, especially the Elect among them, and built greatly on what his predecessor had written. Ibn ‘Arabī agreed with al-Tirmidhī on the nature of the Heavenly Speech that descends upon the hearts of the *muḥaddathūn*, but also added a new superior modality. Likewise, he agreed with him in favouring an *ijtihād* based on piety and spiritual knowledge rather than analogical reasoning, but used similar, instead of the the same, terminology to describe his method. They both agreed on the authority of the Elect in the fields of jurisprudence and prophetic tradition, and that people should refer to the Elect for an authoritative answer on God’s actual ruling on any matter. In what we have seen above, there were some differences in terminology and sometimes in sophistication between Ibn ‘Arabī and his predecessor, but the substance of their teachings remained the same. Ibn ‘Arabī was a man of original thought, who did not simply imitate those who came before him, but rather, as the self-professed Seal of the Saints, always had something to add to what those before him had said or taught. Ibn ‘Arabī’s spiritual dreams, as well as his understanding of the perfect state of *‘ubūda* led him to favour the study of prophetic traditions over the study of books of jurisprudence according to the schools of law. He authored several works on prophetic tradition and started an extensive work of *aḥādīth al-aḥkām* which he did not finish. Furthermore, Ibn ‘Arabī’s typology of sainthood, and his belief that he was the perfect Muḥammadan saint, inspired in him the desire to emulate the Prophet’s every act, which in turn had an influence on his jurisprudential thought. We will now turn to examining Ibn ‘Arabī’s legal methodology and its principles.

Chapter 4: Ibn ‘Arabī on Juristic Method: An Akbarī Madhhab?

In the previous chapter we looked at Ibn ‘Arabī’s views on sainthood and the question of the authority of the saint in the field of jurisprudence. In this chapter we look directly at Ibn ‘Arabī’s legal theory. In the previous chapter we saw how Ibn ‘Arabī’s views on sainthood had a major impact on his jurisprudential thought, and we traced the origins of these views to al-Ḥakīm al-Tirmidhī. However Ibn ‘Arabī was also highly influenced by the Zāhirī school, and several studies count him among the Zāhirīs. The aim of this chapter is to arrive at a clearer picture of Ibn ‘Arabī’s legal thought and his understanding of the Sharī‘a. The chapter will begin by investigating the nature of the relationship between Ibn ‘Arabī and Zāhirī thought. This is important because Ibn ‘Arabī’s thought was extremely similar to that of the Zāhirīs. However, only by comparing his thought to the Zāhirīs in detail and investigating the nature of the differences between them, can we understand whether Ibn ‘Arabī took his views from the Zāhirī school or whether he used their writings as a tool to defend his own views. In this chapter I will argue that the differences between the legal methodologies of Ibn ‘Arabī and the Zāhirīs reveal the difference in the guiding principle behind Ibn ‘Arabī’s jurisprudential thought: mercy for God’s servants. This principle in turn is linked to Ibn ‘Arabī’s views on sainthood and his role as the Seal of Muḥammadan Saints.

Several studies defended the claims that Ibn ‘Arabī was or was not a Zāhirī, based on one or two main points of convergence or divergence. This chapter will begin by providing the first detailed comparison between the legal thought of Ibn ‘Arabī and the Zāhirīs. After that, I will summarise some of the distinguishing features of Ibn ‘Arabī’s legal thought which have been enumerated by Chodkiewicz and Addas, and studied by Eric Winkel.²⁸⁷ In his study, Winkel provided examples and case studies of two main interrelated themes: a) Ibn ‘Arabī’s strict adherence to the text and how it

²⁸⁷ Chodkiewicz, *Ocean*, 54-7; Addas, *Quest*, 46-7; *Voyage*, 122-4; Winkel, *Living Law*.

produced a multiplicity of meanings, and b) his approval of the different positions of the different schools. However, this study will explain in greater detail Ibn ‘Arabī’s nuanced position on analogical reasoning and *ijtihād*, which Winkel only briefly discussed, and will also highlight other aspects of Ibn ‘Arabī’s legal thought. Finally, after having studied the nature of the Zāhirī influence on Ibn ‘Arabī, and the distinguishing features of his legal thought, I will investigate the influence of al-Tirmidhī. We have seen how al-Tirmidhī influenced Ibn ‘Arabī’s views on sainthood, which in turn influenced his views on jurisprudence. However, I will argue that Ibn ‘Arabī may have also benefited directly from al-Tirmidhī’s jurisprudential writings.

4.1 Was Ibn ‘Arabī a Zāhirī?

Ibn ‘Arabī has been, even since his own life time, associated with the Zāhirī school, and in particular the Western ‘branch’ of this school that was promoted in Spain by Ibn Ḥazm (d. 456/1064).²⁸⁸ For example the Andalusian scholar Ibn Musdī (d. 663/1265), who lived most of his life in the East, is quoted as stating that Ibn ‘Arabī was Zāhirī.²⁸⁹

Ibn ‘Arabī himself wrote in his *Dīwān*,

*They ascribe me to (the school of) Ibn Ḥazm, but
I am not of those who say, ‘Ibn Ḥazm said...’
No! Nor anyone else. What I do say is:
The ‘clear text of the Book says..’, that is my knowledge
Or ‘the Messenger said,’ or ‘the people have agreed-
-on what I say,’ that is my judgement.*²⁹⁰

These words of Ibn ‘Arabī himself testify to the fact that many of his contemporaries believed him to be a Zāhirī. As these lines show, Ibn ‘Arabī himself rejected this

²⁸⁸ Meyer, ‘Theology and Sufism,’ 282.

²⁸⁹ Knysh, *Ibn ‘Arabī*, 38-9.

²⁹⁰ Quoted by al-Ghurāb in *al-Fiqh*, 11.

ascription to Ibn Ḥazm. Several contemporary Ibn ‘Arabī specialists have pointed this out,²⁹¹ but others replied that although Ibn ‘Arabī may have denied imitating Ibn Ḥazm or taking his opinions, this does not mean that he was not a follower of the methodology and principles of the Zāhirī school.

4.1.1 Arguments that Ibn ‘Arabī was a Zāhirī

The biographer and Shāfi‘ī scholar Ibn Khallikān (d. 681/1282) who met Ibn ‘Arabī described him as a scholar who practiced *ijtihād* independently, without imitating previous authorities. The context of this mention was a discussion of the Almohad ruler Abū Yūsuf Ya‘qūb al-Manṣūr (r. 580-594/1184-1198) who called for the rejection of the positive law (*furū‘*) that was worked out by the jurists, and demanded that legal verdicts (*fatwas*) only be given based on the Qur’ān and Sunna. Abū Yūsuf also demanded that scholars not imitate any previous imams and that they perform their own *ijtihād* based on the Qur’ān, prophetic traditions, consensus, and *qiyās*. Ibn Khallikān stated that among the scholars of the Muslim West who followed that way (*‘alā dhālik al-ṭarīq*) and whom he met in the Muslim East, were Ibn ‘Arabī as well as Abū l-Khaṭṭāb ibn Dihya and his brother.²⁹²

Some studies understood from Ibn Khallikān’s description of these scholars that Ibn ‘Arabī was a Zāhirī.²⁹³ Yet Ibn Khallikān, whose same work included entries on both Dāwūd al-Zāhirī and Ibn Ḥazm, did not use the word *‘zāhir*’ or Zāhirī in his description of these men, and his mention of *qiyās* should rule out the possibility that he perceived them as Zāhirīs. It is clear that according to Ibn Khallikān’s understanding, al-Manṣūr was a proponent of *ijtihād* against *taqlīd* but not specifically a Zāhirī, and believed these scholars to be examples of people ‘upon that way.’ Some medieval

²⁹¹ Al-Ghurāb, ‘Ibn al-‘Arabī,’ 200; Chodkiewicz, *Ocean*, 55 ff.

²⁹² Ibn Khallikān, *Wafayāt*, 7: 11.

²⁹³ Elmore, *Islamic Sainthood*, 44-5; al-Buḥṣālī, *Ṭabaqāt*, 155. Both independently seem to have omitted Ibn Khallikān’s mention of *qiyās* when summarising his passage.

historians did count these scholars among the followers of the *Zāhirī* school.²⁹⁴ This was particularly the case of al-Manṣūr himself, who was described by ‘Abd al-Wāḥid al-Marrākushī (d. after 621/1224) and Ibn al-Athīr (d. 630/1233) as having publicly professed his allegiance to the *Zāhirī* school.²⁹⁵ However even if some of these figures were in fact *Zāhirī*, all we can take from this passage of Ibn Khallikān is that he understood Ibn ‘Arabī to be a *mujtahid* and not necessarily a *Zāhirī*.

With regard to Ibn ‘Arabī’s poetic lines in which he denied following Ibn Ḥazm, Camilla Adang argued that such statements were evidence that he adopted ‘one of the fundamental principles of *Zāhirism*: the outright rejection of *taqlīd*. Ibn Ḥazm himself would probably have applauded Ibn al-‘Arabī’s refusal to adopt him unquestioningly as an authority.’²⁹⁶ According to Ibn al-Athīr, the followers of Ibn Ḥazm in the Muslim West were known as the *Ḥazmiyya*,²⁹⁷ perhaps not unlike the way that ardent followers of Ibn Taymiyya would later be labelled - by fellow *Ḥanbalīs* - as *Taymiyyūn*. It is therefore very possible that Ibn ‘Arabī simply wanted to make it clear that he did not imitate anyone and that he was not a ‘*Ḥazmī*,’ so to speak.

Similarly, if we look at the remaining lines from Ibn ‘Arabī, we see that he only accepted the Qur’ān, the Sunna, and Consensus (‘the people have agreed’). These are the only three sources acceptable to the *Zāhirī* school, and by stopping there Ibn ‘Arabī was in full agreement with *Zāhirī* principles. As Tobey Meyer argued, this would make him ‘impeccably *Zahirite*, since *Zāhirism* expressly condemns the

²⁹⁴ For example, the Baghdādī historian Ibn al-Najjār (d. 643/1245) described the more famous of the Ibn Dihya brothers, Abū l-Khaṭṭāb ‘Umar, whom he met and had a strong aversion for, as a *Zāhirī* (see his *Dhayl Ṭabaqāt Baghdād*, 20:41). On him see also Adang, ‘*Zāhirīs*,’ 450-3. As for ‘Umar’s brother ‘Uthmān, there does not seem to be an explicit indication that he was a *Zāhirī*. The contemporary author al-Buḥṣalī in *Ṭabaqāt ahl al-zāhir* only included him on the basis of Ibn Khallikān’s passage, and none of the several medieval biographers whom he quoted mentioned that this Ibn Dihya was a *Zāhirī* (see al-Buḥṣalī, *Ṭabaqāt*, 156–8).

²⁹⁵ Adang, ‘*Zāhirīs*,’ 415-6.

²⁹⁶ Adang, ‘*Zāhirīs*,’ 463.

²⁹⁷ Ibn al-Athīr, *al-Kāmil*, 10:161-3.

superimposition of a legal theory on the God-given sources of religious law.’²⁹⁸ As Mayer also argued - and as is clear from those very lines- Ibn ‘Arabī ‘adopted one of the cornerstones of Zahirite law, the rejection of analogical reasoning.’²⁹⁹ To add to Meyer’s argument, although Ibn ‘Arabī did not clarify in those poetic lines what type of consensus he accepted as a source of law, we will see later from his other writings that he only accepted the consensus of the Prophet’s Companions, exactly like the Zāhirī school, in contradiction to the four other schools which accepted the consensus of all scholars in any one generation.³⁰⁰ Therefore Adang and Meyer are correct in saying that Ibn ‘Arabī’s very lines in which he rejected being a follower of Ibn Ḥazm show him to be nothing but a Zāhirī.

There are further reasons why later scholars held that Ibn ‘Arabī must have been a Zāhirī, which Mayer summed up in his argument:

- Ibn ‘Arabī’s veneration for Ibn Ḥazm, expressed in a dream that he saw of him, which he mentioned in his introduction to Ibn Ḥazm’s *Ibṭāl al-qiyās (Refutation of Analogy)*,³⁰¹ *Kitāb al-mubashshirāt*,³⁰² and the *Futūḥāt*.³⁰³ In this vision he saw the Prophet embrace Ibn Ḥazm, and a light enveloped them both until the latter dissolved into the former and they became as one.
- that he ‘engaged in depth with Ibn Ḥazm’s works,’
- and that he transmitted Ibn Ḥazm’s *Ibṭāl al-qiyās* and abridged his *al-Muḥallā*, which Mayer rightly argued are ‘surely sufficient evidence of dedication.’³⁰⁴

²⁹⁸ Mayer, ‘Theology and Sufism,’ 282.

²⁹⁹ Mayer, ‘Theology and Sufism,’ 282.

³⁰⁰ Or the consensus of the early scholars of Medina, as was the opinion of Mālik.

³⁰¹ The version in *Ibṭāl al-qiyās* is the longest, and has been translated by Goldziher (*Zāhirīs*, 170-1).

³⁰² Ibn ‘Arabī, *Kitāb al-mubashshirāt*, 432; also translated by Gril, ‘Ḥadīth,’ 65 n.50.

³⁰³ Ibn ‘Arabī, *Futūḥāt*, 2:519.

³⁰⁴ Mayer, ‘Theology and Sufism,’ 282.

4.1.2 Arguments that Ibn ‘Arabī was not a Ṣāhirī

In his large biographical dictionary *Shadharāt al-dhahab*, the Ḥanbalī Ibn al-‘Imād (1089/1679) quoted Ibn ‘Arabī as saying in verse,

*The Merciful has prohibited to
follow Mālik, Aḥmad,
al-Nu‘mān and any other, so excuse me...
I am not the one who says: ‘Ibn Ḥazm said,’
No, ‘Aḥmad said,’ no too,
and ‘Nu‘mān said’ - no...³⁰⁵*

‘This,’ wrote Ibn al-‘Imād ‘is a strong argument in favour of his absolute *ijtihād* (i.e. an ability to pronounce independent judgments on religious matters)... and if he was not a *mujtahid*, then there was no *mujtahid* in God’s creation.’³⁰⁶ Several contemporary specialists on Ibn ‘Arabī contended that he was a fully independent *mujtahid*. Chodkiewicz may have been the first to propose that Ibn ‘Arabī may have even founded his own school of jurisprudence, saying,

He is a perfectly autonomous *mujtahid* - or, perhaps, the founder of a *madhhab Akbarī*, or an ‘Akbarī school of jurisprudence,’ which is, as shall be seen, the most irenic, the most conciliatory of all those that Islam has known.³⁰⁷

Arguments that Ibn ‘Arabī was not a Ṣāhirī were based on two fronts: a) pointing out the differences in the positive law between Ibn ‘Arabī and the Ṣāhirī school (mainly of Ibn Ḥazm in particular), and b) showing where they differed on principles of jurisprudence. Before we come to these two arguments however, it would be fruitful first to look at the other main argument presented above, and which was not

³⁰⁵ Knysh in ‘Ibn ‘Arabī,’ 309, with edits to the translation.

³⁰⁶ Knysh, ‘Ibn ‘Arabī,’ 309.

³⁰⁷ Chodkiewicz, *Ocean*, 55.

dealt with by the partisans of this group as far as I can tell, which is Ibn ‘Arabī’s dedication to the works and teachings of Ibn Ḥazm. This dedication does not mean that the former was a follower of the latter, and this possible objection deserves to be pointed out first.

4.1.2.1 Ibn ‘Arabī and the Works of Ibn Ḥazm

Ibn ‘Arabī did study and receive licenses in the works of Ibn Ḥazm as Mayer noted. However, even the main transmitter of Ibn Ḥazm’s teachings, Shurayḥ al-Ru‘aynī (d. 539/1144),³⁰⁸ through whom Ibn Ḥazm’s teachings reached Ibn ‘Arabī, seems to have been a Mālikī rather than a Zāhirī.³⁰⁹ This shows that dedication to the teachings of Ibn Ḥazm does not necessitate following his school or methodology.

The great importance that Ibn ‘Arabī attributed to Ibn Ḥazm can be summed up by the import of the dream that he had of him. In this dream, it was because of Ibn Ḥazm’s focus on traditions that he was embraced by the Prophet until he dissolved into him, and Ibn ‘Arabī specifically mentioned that what he learned from this dream was the importance of following traditions.³¹⁰ As we recall from the previous chapter (Chapter Three, Section 3.4), Ibn ‘Arabī recorded several dreams that taught him to avoid books of the jurisprudence of the schools because of the influence of analogical reasoning and to focus on prophetic traditions. Ibn ‘Arabī thus turned to Ibn Ḥazm as a source of tradition-based scholarship and as a source of arguments against the use of analogy. For example, one of the teachings that Ibn ‘Arabī preserved from Ibn Ḥazm via Shurayḥ was Ibn Ḥazm’s collection of Divine Names based solely on authentic narrations.³¹¹ Likewise, we must remember that the title of Ibn Ḥazm’s *al-Muḥallā bil-āthār* meant *The (Book) Adorned with Narrations*, meaning that it was mainly a source of tradition-based scholarship. We must also remember that abridging a work is not only

³⁰⁸ Gril, ‘Ḥadīth,’ 65.

³⁰⁹ Adang, ‘Zāhirīs,’ 463.

³¹⁰ Ibn ‘Arabī, *al-Mubashshirāt*, 432; Addas, *Quest*, 42; Meyer, ‘Theology and Sufism,’ 282.

³¹¹ Gril, ‘Ḥadīth,’ 65.

a method of transmitting it but also an opportunity to remove what one may disagree with in a work; it is very possible that in abridging this work, Ibn ‘Arabī intended to preserve what he agreed with in it and to remove some of what he disagreed with.³¹²

Ibn ‘Arabī began his education in Seville two to four years before the reign of al-Manṣūr (r. 580-594/1184-1198), immediately focusing on the study of prophetic traditions.³¹³ Adang found that the first three Almohad rulers before al-Manṣūr had themselves been attached to the idea of following ‘the revealed sources (rather than non-revealed jurisprudence)’ yet they did not profess Zāhirism themselves, nor did they sponsor it by giving preferential treatment to Zāhirī scholars.³¹⁴ ‘The most that can be said,’ she wrote, is that from the days of the movement’s founder,

there was a tendency to emphasise the primacy of the revealed sources - the Koran and the Sunna of the Prophet Muḥammad - at the expense of manuals of jurisprudence (*furū’*) generated by the Mālikī school of law. By the same token, *ra’y* and *taqlīd* were rejected.³¹⁵

This undoubtedly would have led to many scholars adopting a preference for *ḥadīth*-based jurisprudence. We have seen for example in the previous chapter that al-Ḥarīrī, a scholar and Sufī from Seville whom Ibn ‘Arabī knew as a child, related to Ibn ‘Arabī - upon their meeting in Tunis- a dream from which he learned the importance of *ḥadīth*-based jurisprudence over *ra’y*. During the reign of al-Manṣūr, there was no noticeable increase in the number of Zāhirī scholars, though some Zāhirīs were appointed to the

³¹² The work is said to be extant in a single manuscript in Tunis (see Elmore, *Islamic Sainthood*, 42, n. 156).

³¹³ Addas dated the start of his studies to the year 578/1183 (Addas, *Quest*, 95). However, she elsewhere stated that he possibly started earlier (Addas, *Quest*, 42). Evidence that he started earlier is that he seems to have received a written authorisation *in absentia*, by way of correspondence, from Abū Ṭāhir al-Silafī the very year that he died in Alexandria in 576/1180 (on this authorisation see See Hirtenstein and Notcutt in Ibn ‘Arabī, *Divine Sayings*, 108; Knysh, *Ibn ‘Arabī*, 287, n. 24 and n. 25).

³¹⁴ Adang, ‘Zāhirīs,’ 472.

³¹⁵ Adang, ‘Zāhirīs,’ 414.

position of chief *qādī*.³¹⁶ There was, however, a marked increase in the number of traditionists in Seville: according to Urvoy's census, it jumped from fifty-seven names in the period 565-85/1170-1189, to seventy-eight names in the period 585-610/1189-1213. It was a also time when the discipline of *ḥadīth* studies 'became more and more closely linked with asceticism (*zuhd*) and Sufism.'³¹⁷ It was natural for traditionists, whether they followed a school of law or practiced their own *ijtihād*, to benefit from the works of Ibn Ḥazm, as did Shurayḥ the Mālikī traditionist who played a major role in the spread of Ibn Ḥazm's works. Shurayḥ lived and taught in Seville, and so did the descendants of Ibn Ḥazm who also spread their grandfather's teachings. It is not surprising therefore that in terms of the geographical distribution of Zāhirī scholars, Seville had more Zāhirīs than any other city in al-Andalus.³¹⁸ This all meant that the works of Ibn Ḥazm were easily at hand for others to benefit from, regardless of what school they followed. In short, it would have been natural for Ibn 'Arabī to study, benefit from, and be influenced by the works of Ibn Ḥazm in such an environment. With the importance that they both gave to *ḥadīth*-based jurisprudence, Ibn 'Arabī could have found in the works of Ibn Ḥazm the tools that he needed to build his own project.

4.1.2.2 Differences in Positive Law

Among the evidence that was used to show Ibn 'Arabī's independence in his juristic opinions was the fact that he disagreed with the Zāhirī school in general, and Ibn Ḥazm in particular, on many opinions of positive law. Maḥmūd al-Ghurāb argued that Ibn 'Arabī in fact had a number of opinions which were unique to him, and that he should therefore be classified as an absolute *mujtahid*, 'not a follower of authority

³¹⁶ Adang, 'Zāhirīs,' 468-73.

³¹⁷ Addas, *Quest*, 94.

³¹⁸ Adang, 'Zāhirīs,' 469-470.

(*muqallid*), nor a follower belonging to any school (*tābi*).³¹⁹ By saying that he was not a follower of any school, al-Ghurāb meant to reject the idea that Ibn ‘Arabī could have been a *mujtahid* within the Zāhirī school, that is: independently investigating answers based on Zāhirī principles. Chodkiewicz provided some examples of these differences in *Ocean Without a Shore*.³²⁰ In his anthology of Ibn ‘Arabī’s jurisprudence which he called *al-Fiqh ‘ind al-shaykh al-akbar Muḥyī al-Dīn Ibn al-‘Arabī*, al-Ghurāb made sure to point out every difference between Ibn ‘Arabī and Ibn Ḥazm throughout the book, in order to show that Ibn ‘Arabī did not follow the Zāhirī school. He likewise listed some of these differences between the two in his study, ‘Ibn al-‘Arabī Amidst Religions and Schools of Thought.’³²¹

Comparing positive law (individual opinions) can only show us that Ibn ‘Arabī was not an imitator of the opinions of earlier Zāhirīs. Al-Ghurāb’s compendium is full of footnotes showing differences of opinion between Ibn ‘Arabī and Ibn Ḥazm, but this does not discount the possibility that they both followed the same principles and came to different answers. For example, even early Zāhirīs in the Muslim East disagreed with some opinions of their imam Dāwūd al-Zāhirī,³²² and so did Ibn Ḥazm.³²³ It has already been stated that a main principle of the Zāhirī school is that it does not permit blind imitation but that it encourages independent *ijtihād*, which means that two Zāhirīs could arrive at different answers to the same problem. Therefore this approach cannot prove that Ibn ‘Arabī was not a Zāhirī. There is no reason then to repeat all the differences in positive law between Ibn ‘Arabī and the Zāhirīs.

There is one curious case that does deserve mentioning, however, which al-Ghurāb failed to appreciate and comment on. It is the case of the definition of illness

³¹⁹ Al-Ghurāb, ‘Ibn al-‘Arabī,’ 201.

³²⁰ Chodkiewicz, *Ocean*, 149, n. 65.

³²¹ Al-Ghurāb, ‘Ibn al-‘Arabī,’ 200.

³²² One example is provided by Gleave in *Islam and Literalism*, 149.

³²³ One example is provided in Section 4.2.3 regarding the washing of feet in ablutions.

that permits the breaking of the fast in Ramadan (as stated in Q 2:185). On this issue, the four main schools of thought and the vast majority of the scholars agreed that the illness must cause hardship and pain to the person if it is to permit his breaking of the fast.³²⁴ However, people of the literal persuasion such as the *Zāhirīs* and the famed traditionist al-Bukhārī argued that anything that is called an ‘illness’ in the language, no matter how trivial, allows the breaking of the fast. Al-Qurṭubī upheld this view in his jurisprudence-oriented Qur’ānic commentary, and attributed it to the prestigious scholar among the generation of the Successors, Ibn Sīrīn.³²⁵ Ibn ‘Arabī also upheld this view. However, rather than simply stating that this was his opinion (*madhhab*) as he usually did, he said, ‘and this is also the opinion (*madhhab*) of Rabī‘a ibn Abī ‘Abd al-Raḥmān.’³²⁶ This is none other than the famed early proponent of *ra’y* in Medina, who became known simply as Rabī‘at al-Ra’y: ‘Rabī‘a famed for considered opinion’ (d. c. 136/753).³²⁷ Although Ibn ‘Arabī’s position here was a very literalist one and coincided with the *Zāhirī* school, he chose instead to attribute the position to a proponent of the very opposite school of thought. He could have not ascribed it to a prior figure, for he usually only stated that such and such opinion existed, or he could have ascribed it to any of the illustrious predecessors who held this opinion before him. However, he chose to ascribe it to Rabī‘at al-Ra’y, and one wonders where he even came across Rabī‘a’s opinion on this issue.³²⁸ Perhaps Ibn ‘Arabī, since his methodology on this matter was purely based on a literalist understanding of the text, wanted to once again distance

³²⁴ Al-Qurṭubī, *al-Jāmi‘*, 2: 276.

³²⁵ Al-Qurṭubī, *al-Jāmi‘*, 2:276-7.

³²⁶ Ibn ‘Arabī, *Futūḥāt*, 1:613; al-Ghurāb, *al-Fiqh*, 313.

³²⁷ I took this translation of his title from Abd-Allah, *Mālik*, 9.

³²⁸ In this case, as with all other cases, it is very clear that Ibn ‘Arabī used Ibn Rushd’s *Bidāya* for presenting the different juristic issues and then the different opinions on each issue. I have stated in the previous chapter that he relied on the *Bidāya* in this way throughout his jurisprudential section of the *Futūḥāt* (Cf. Ibn Rushd, *Bidāya*, 2:57-9). However for this particular position Ibn Rushd did not ascribe it to any school or authority, neither Rabī‘a nor anyone else (Ibn Rushd, *Bidāya*, 2:59).

himself from any perception that he might be a *Zāhirī*, and therefore chose to name *Rabīʿa* instead.

4.1.2.3 Differences in Principles of Jurisprudence

None of those who attempted to show that Ibn ʿArabī created his own unique methodology or school of jurisprudence made a sustained or organised effort to compare the principles of Ibn ʿArabī with those of the *Zāhirī* school in general or the principles of Ibn Ḥazm in particular. Chodkiewicz,³²⁹ Addas,³³⁰ and Winkel³³¹ stressed the fact that while the *Zāhirī* school rejected the use of *qiyās* categorically, Ibn ʿArabī did reject it, but at one and the same time accepted its use by others and criticised those who did not allow others to use it (e.g. the *Zāhirīs*). They likewise argued that Ibn ʿArabī's methodology led to a lenient and merciful understanding of the law in which the sources of the law (the Qurʾān and Sunna) carried within their very texts multiple meanings that were all intended by God as different acceptable answers or options. Furthermore, because of the multiplicity of opinions among different schools, Ibn ʿArabī rejected the condition made by scholars that people were to be restricted to following only one school, and he instead allowed the layperson to pick and choose whatever opinions were more suitable or easier for him to practice from among the positions of the different schools. Finally, they said, Ibn ʿArabī rejected *qiyās* because it entailed a filling of the silences that God had left on purpose in the law as a mercy for His servants, and argued that whatever the law was silent on had the status of original licitness.³³² Beside the major difference regarding Ibn ʿArabī's position on the acceptability of *qiyās*, these authors did not seem to investigate what the *Zāhirī* school had to say on these same issues.

³²⁹ Chodkiewicz, *Ocean*, 54-7.

³³⁰ Addas, *Voyage*, 122-4.

³³¹ Winkel, *Living Law*, 28-98.

³³² More accurately his position is that there is no ruling, which in practical terms was as if they were permissible (see Ibn ʿArabī, *Futūḥāt*, 4:258).

To the arguments made by the three authors above, al-Ghurāb added a few more. First, he argued that while Ibn ‘Arabī seemed to agree with the Zāhirīs in rejecting *qiyās*, it was only for one reason: to preserve the status of original licitness on everything not strictly mentioned, and to therefore preserve the leniency and ease of the law. Because this was the only reason, Ibn ‘Arabī could at the same time accept the position of those who did use *qiyās*, and identified the legal excuse for their position.³³³ Here al-Ghurāb was arguing that while Ibn ‘Arabī and the Zāhirīs seemed to agree on the rejection of *qiyās* as a source of law, the reasons behind their agreement were in fact different. We will return to this useful insight when discussing Ibn ‘Arabī’s position on *qiyās* in depth.

Al-Ghurāb further listed two more differences in juristic principles. First, that the Zāhirī school argued that if the narrators in the chain of a tradition were all trustworthy, then the report, even if it comes from a single authority (*khābar al-wāḥid*), gives certain knowledge, while Ibn ‘Arabī, like the majority opinion, held that it only produced a likely probability (*ẓann*) but not certain knowledge.³³⁴ Second, al-Ghurāb believed that Ibn ‘Arabī rejected literal meaning as being a weak evidence, while implying that the Zāhirīs believed it to be a strong evidence.³³⁵ This second difference that al-Ghurāb claimed is a misunderstanding of the word *mafhūm*, which al-Ghurāb thought referred to the literal meaning of a text, whereas Ibn ‘Arabī was using it in its technical meaning in jurisprudence, the *mafhūm al-khiṭāb*. Ibn ‘Arabī was in fact agreeing with the Zāhirī school on this issue which will be discussed below. Therefore, al-Ghurāb essentially added only one difference in principles between Ibn ‘Arabī and the Zāhirīs, though it is an important one as we will see, and also pointed to the

³³³ Al-Ghurāb, ‘Ibn al-‘Arabī,’ 200; *al-Fiqh*, 8.

³³⁴ Al-Ghurāb, ‘Ibn al-‘Arabī,’ 200; *al-Fiqh*, 8. On the levels of certainty attributed to the authenticity of traditions by the traditionists, and the implications of this in jurisprudence, see Brown, ‘Did the Prophet Say It,’ 259-285.

³³⁵ Al-Ghurāb, ‘Ibn al-‘Arabī,’ 200; *al-Fiqh*, 8. Al-Ghurāb, in both works, gave a wrong reference for Ibn ‘Arabī’s statement on this issue in the *Futūḥāt*: it should be 2:149, not 4:289 as he wrote.

importance of distinguishing between the reasons that both Ibn ‘Arabī and the Zāhirīs rejected *qiyās* as a source of law.

Aron Zysow briefly discussed Ibn ‘Arabī in his classic Ph.D. dissertation *The Economy of Certainty: An Introduction to the Typology of Islamic Legal Theory*. As this work remained unpublished from 1984 until 2013, and was mostly of concern to students of *uṣūl al-fiqh*, it has not been noticed in Akbarī studies. Zysow categorised the schools of law based on epistemological grounds, classifying them into two broad groups: those *madhhabs*, like the four surviving Sunni schools, that allowed for probability, and those, like the Zāhirīs and the Twelver Shī‘īs, who demanded certainty. Zysow used Ibn ‘Arabī’s position on the *khavar al-wāḥid* to show how he differed from the Zāhirīs. He noted that in their demand for certainty, those Zāhirīs like Dāwūd and Ibn Ḥazm who accepted the *khavar al-wāḥid* claimed that it was a source of certain knowledge. On the other hand, the Zāhirīs who rejected this claim, rejected the use of the *khavar al-wāḥid* altogether.³³⁶ Zysow concluded that Ibn ‘Arabī had a ‘very personal legal theory’ which was ‘only a part of an all-encompassing mystical system,’³³⁷ but did not attempt to investigate it much further.³³⁸ However, his approach points the way to the key to understanding Ibn ‘Arabī’s legal system, which is to search for an underlying reason that may explain all the differences between Ibn ‘Arabī’s principles of jurisprudence and those of the Zāhirī school. Therefore we cannot proceed without first investigating properly the main principles of jurisprudence in the Zāhirī school, something that previous Akbarī studies have not done, in order to compare that school’s principles to those of Ibn ‘Arabī.

³³⁶ Zysow, *Economy of Certainty*, 280-1.

³³⁷ Zysow, *Economy of Certainty*, 281.

³³⁸ Zysow did also point out some of the other differences mentioned above. His brief treatment of the subject, though only a small part of his epilogue, surpasses that of the other scholars mentioned (see Zysow, *Economy of Certainty*, 280-2).

4.1.3 The Principles of the Zāhirī School of Law

In his study titled *The History and the Doctrine of the Zāhirī Maddhab*, Amr Osman showed that in the 4th/10th century, the Zāhirī school was often referred to as the Dāwūdī *madhhab*, and more followers of that school were given the *nisba* al-Dāwūdī rather than al-Zāhirī. The latter term gradually became more popular until it came to dominate after Ibn Ḥazm.³³⁹ Even still, Dāwūd himself seems to have been known as al-Zāhirī from the middle of the fourth century,³⁴⁰ and his group were identified as the *ahl al-zāhir*.³⁴¹ However, there has been a great misunderstanding about the meaning of their principle of following the *zāhir*, and a long line of contemporary scholars have made the assumption that it meant being ‘literalist’ without proper investigation into the origins of the name.³⁴²

In his study, Osman was able to clearly show that *zāhir* did not mean ‘literal,’ and that such a translation for the word is completely unacceptable. He advocated instead the term ‘textual.’³⁴³ He also showed that the word *zāhir* was not used in legal or exegetical works to mean ‘literal’ in the 3rd/9th century in which Dāwūd lived.³⁴⁴ Osman attempted, unconvincingly, to argue that in al-Shāfi‘ī’s *Risāla*, the word *zāhir* referred to the general or unrestricted (‘*āmm*) application of a term, as opposed to a limiting of the scope of a term (*takhṣīṣ*) based on external evidence.³⁴⁵ He then

³³⁹ Osman, *History and Doctrine*, 70, 87, 104.

³⁴⁰ Osman, *History and Doctrine*, 23.

³⁴¹ Osman, *History and Doctrine*, 102.

³⁴² See Osman, *History and Doctrine*, 226.

³⁴³ See Osman, *History and Doctrine*, 8, 226-7. ‘Literal meaning’ itself could have different definitions according to different scholars, linguists, or philosophers. In *Islam and Literalism*, Gleave devotes a chapter to investigating what literal meaning meant for Ibn Ḥazm (146-174).

³⁴⁴ Osman, *History and Doctrine*, 163-95.

³⁴⁵ Gleave also analysed al-Shāfi‘ī’s use of the term *zāhir* in Gleave, *Islam and Literalism*, 94-112. He was also unconvinced of Osman’s equation of the terms *zāhir* and ‘*āmm*’ (Ibid, 101, n. 18).

attempted to say that this was the most likely meaning of the word *ẓāhir* for Dāwūd himself.³⁴⁶ Robert Gleave, in *Islam and Literalism*, expressed his doubts about Osman's argument for a *ʿāmm*: *ẓāhir* relationship being 'one of identity, or even close proximity.'³⁴⁷ He proposed instead that Dāwūd 'quite likely' intended by the term *ẓāhir* the 'apparent, first blush meaning informed by "normal" Arabic usage.'³⁴⁸

There is another explanation for the word *ẓāhir* in the context of the *ahl al-ẓāhir* of the 3rd/9th century, which incorporates Osman's explanation as part of a bigger understanding. This explanation was summed up by Osman himself when presenting the main ideas of the early *Ẓāhirīs*:

Adhering to what a text says seems to be the pillar of the *madhhab* here, and this adherence requires that we do not draw conclusions about anything a legal statement does not explicitly refer to (which leads to the rejection of both *qiyās* and *dalīl al-khiṭāb*), and that we take terms, commands, and prohibitions to indicate unrestrictedness and obligation.³⁴⁹

This summary of the main 'pillar' of the *Ẓāhirī* school seems to me the most likely explanation of the term *Ẓāhirī* itself. It refers to what could be taken from the text directly and which is not arrived at by way of analysis as with meanings alluded to, or inferred from, the text (*dalīl al-khiṭāb*). As Osman wrote, 'Ibn Ḥazm declares that all the *Ẓāhirī* scholars held that every statement tells us only what it says and does not indicate anything beyond that. It may be for this reason that all *Ẓāhirīs* agreed on the rejection of *dalīl al-khiṭāb*.'³⁵⁰ The main types of textual inference are *mafhūm al-muwāfaqa* (the *a*

³⁴⁶ Osman, *History and Doctrine*, 163-95.

³⁴⁷ Gleave, *Islam and Literalism*, 148, n.13.

³⁴⁸ Gleave, *Islam and Literalism*, 147, n. 7.

³⁴⁹ Osman, *History and Doctrine*, 100.

³⁵⁰ Osman, *History and Doctrine*, 98.

fortiori argument) and *mafhūm al-mukhālafa* (the *a contrario* argument).³⁵¹ As for the *mafhūm al-muwāfaqa* argument, the majority of jurists classify it as a type of non-analogical *qiyās*,³⁵² while the *mafhūm al-mukhālafa* could be seen as the opposite of *qiyās*. Zysow quoted the modern German jurist Paul Oertman,

Legal science has at all times provided two opposite tendencies for establishing new rules: analogy and the argument *a contrario*...it is always possible to reason both ways, that is to say, either since *a* and *b* are expressly regulated by the law, but *c* is not, the law does not wish *c* to be treated in the same manner as *a* and *b*; or to say, since the law has regulated *a* and *b* in a definite manner, one may conclude that it intended the similar case *c* to be handled in the same manner.³⁵³

The main types of *dalīl al-khiṭāb* then, were either classified by the majority of jurists as a type of *qiyās*, or understood to compete with *qiyās*. The rejection of *qiyās* is one of the main pillars of Zāhirī thought, if not the main one. Dāwūd al-Zāhirī was also known, paradoxically, as Dāwūd al-Qiyāsī because of the extent to which he engaged in debates against *qiyās*.³⁵⁴ As Osman observed, ‘Rejection of *qiyās* was presented by many medieval and modern scholars as the main doctrine of Zāhirism.’³⁵⁵ For Ibn Ḥazm, both *qiyās* and *taqlīd* were to be ‘unconditionally and categorically rejected by

³⁵¹ On this see Hallaq, *History*, 58; Gleave, *Islam and Literalism*, 53-5.

³⁵² Hallaq, *History*, 96-9; ‘Non-Analogical Arguments,’ 289-296. The *mafhūm al-muwāfaqa* was considered a type of *qiyās jalī* (perspicuous *qiyās*). See *Ibid.* Some scholars thought that Dāwūd accepted perspicuous *qiyās*, but Tāj al-Dīn al-Subkī who had access to one of Dāwūd’s own treatises, found in it that Dāwūd in fact rejected all kinds of *qiyās* (al-Subkī, *Ṭabaqāt*, 2:290; Osman, *History and Doctrine*, 20).

³⁵³ Zysow, *Economy of Certainty*, 103. Zysow thus explained the Ḥanafī rejection of the *mafhūm al-mukhālafa* as stemming from their attachment to analogy (*ibid.*). For an explanation of *mafhūm al-mukhālafa* see Zysow, *Economy of Certainty*, 100-1.

³⁵⁴ Adang, ‘Beginnings,’ 118.

³⁵⁵ Osman, *History and Doctrine*, 104.

any scholar who [was] to qualify as *Zāhirī*.³⁵⁶ According to Ibn al-Nadīm, Dāwūd wrote a work dedicated to the rejection of *qiyās* entitled *Ibtāl al-qiyās*, and likewise a work entitled *Kitāb al-khuṣūṣ wa-l-ʿumūm* on the issue of taking terms according to their general and unrestricted meaning.³⁵⁷ This theme was discussed by Dāwūd's son Muḥammad in his own manual of jurisprudence.³⁵⁸ According to Ibn Ḥazm, all *Zāhirīs* are in agreement that 'every term is to be interpreted in its widest extent unless it is restricted by a valid indicator (*dalīl*),'³⁵⁹ and that commands and prohibitions are likewise to be understood as obligation that demands immediate fulfilment.³⁶⁰

From all of the evidence above, it seems that the terms '*Zāhirī*' and *ahl al-zāhir* referred to the insistence of Dāwūd and his followers on stopping at the meanings that texts stated, and to not understand them figuratively either by restricting the usage of a term without an evidence for doing so, nor taking an imperative statement to be anything other than an obligation. *Zāhir* is what is stated in the text, and does not need any kind of inference. Therefore, if the word *zāhir* as used by the early *Zāhirīs* were to

³⁵⁶ Osman, *History and Doctrine*, 99.

³⁵⁷ Osman, *History and Doctrine*, 22.

³⁵⁸ Stewart, 'Muḥammad ibn Dāʿūd,' 127.

³⁵⁹ The words quoted are those of Osman in *History and Doctrine*, 410. According to the majority (Shāfiʿis, Mālikīs and Ḥanbalīs), the application of general terms to everything included in them is only speculative, due to the possibility of the existence of a specifier, or the possibility of *taʿwīl*. The Ḥanafīs on the other hand, like the *Zāhirīs*, consider its application definitive (Kamali, *Principles*, 148; Abū Zahra, *Ibn Ḥazm*, 295; Zysow, *Economy of Certainty*, 94).

³⁶⁰ Osman, *History and Doctrine*, 97-8, 100; Gleave, *Islam and Literalism*, 173. Many Ḥanafīs, Mālikīs and Shāfiʿis held a position of hesitation on whether the primary meaning of the imperative form signifies obligation, recommendation, or permission. That is, they required external evidence to support one of the possible meanings. The Ḥanbalīs as well as many jurists and theologians from other schools argued for obligation (Zysow, *Economy of Certainty*, 64). Furthermore, Abū Zahra noted that although a great number of jurists share the basic *Zāhirī* view, they accept a wider range of indicators that could change the interpretation of the commands and prohibitions to the realm of recommendation or permissibility. The *Zāhirīs* on the other hand only accept evidence from revealed texts or a consensus of the Companions. Therefore in principle the *Zāhirīs* appear to be in agreement with a great number of jurists from different schools, but a big difference appears in the positive law, where many more textual commands are considered to mean obligation, which other schools understand to be recommendations (see Abū Zahra, *Ibn Ḥazm*, 296-302).

be explained by another term, I propose that it is what Shāfi'ī jurists (and those who followed them) came to term the *manṭūq*: that which is expressed, rather than the *mafḥūm*, that which is inferred.³⁶¹ That is, the *ẓāhir* is in the texts, it can be pointed at and seen with the eye (and hence it is *ẓāhir*, apparent). The reason why this would have been a very likely point of constant debate is because inferred meanings were seen as another type of *qiyās*, or at least something very similar to *qiyās*, that needed to equally be rejected and debated (thus Dāwūd's appellation as al-Ẓāhirī and al-Qiyāsī). Ultimately, because this meaning of Ẓāhirī would have included the rejection of *qiyās* within it, it was the name that was used more. This simple explanation encompasses the meaning that Osman attempted to equate to *ẓāhir* (the 'āmm) with Dāwūd's insistence that commands meant obligation and his rejection of *dalīl al-khiṭāb* as well as *qiyās*.

Now that we have dealt with the main pillars of Ẓāhirī thought, we will clarify the principles of the school further by listing its main principles. Even within the school there are differences of opinion on certain principles.³⁶² Osman searched through Ibn Ḥazm's *al-Iḥkām fī uṣūl al-aḥkām* for all the principles of jurisprudence which Ibn Ḥazm stated that all Ẓāhirīs are agreed upon, to which I will add one more. These will be useful for making a quick comparison with Ibn 'Arabī in order to ascertain the extent to which he matched this criteria made by Ibn Ḥazm, whose works were the source of Ẓāhirī influence on Ibn 'Arabī. These principles are:³⁶³

- 1) The rejection of *taqlīd*. Ibn 'Arabī agreed with this.³⁶⁴

³⁶¹ The *manṭūq* is defined as 'that which a vocable indicates at the point of expression,' and its opposite, that which is not expressed at the point of expression, is the *mafḥūm*. (See Gleave, *Islam and Literalism*, 53, quoting Ibn al-Ḥāḍib; al-Subkī, *Jam' al-jawāmi'*, 22; Kamali, *Principles*, 177-9).

³⁶² Osman found that Ibn Ḥazm criticised other Ẓāhirī scholars on some of their positions with regards to the principles of jurisprudence, but never criticised Dāwūd himself (see Osman, *History and Doctrine*, 95).

³⁶³ They are listed, though not in the same order, in Osman, *History and Doctrine*, 97-9.

³⁶⁴ Ibn 'Arabī, *Futūḥāt*, 1:373; 2:165. Also in his Qur'ānic commentary *Ījāz al-bayān* when discussing verse 2:170, as quoted by al-Ghurāb in *al-Fiqh*, 66-7.

- 2) Legal texts are the only sound basis of legal rulings. Ibn ‘Arabī agreed.³⁶⁵
- 3) The rejection of *qiyās*. Ibn ‘Arabī agreed on this, but also allowed others to use it which is completely unacceptable to Zāhirīs. This will be dealt with in more depth below.
- 4) The rejection of *dalīl al-khiṭāb* and the insistence that statements only meant what they stated without the use of any inference. Ibn ‘Arabī agreed, but his position was not as strong and categorical as the Zāhirīs, stating that argument based on the *mafhūm* (implied or inferred meaning) of a text is a weak evidence because it is not right in every case.³⁶⁶
- 5) Terms are to be interpreted according to their general and unrestricted meaning unless there is evidence otherwise. Ibn ‘Arabī seems to have agreed with this.³⁶⁷
- 6) Commands and prohibitions indicate absolute obligation (*wujūb*) unless a revealed text or consensus stated otherwise. Ibn ‘Arabī agreed.³⁶⁸
- 7) Prophetic actions are not obligatory, only statements of command indicate obligation. Ibn ‘Arabī agreed.³⁶⁹
- 8) The only acceptable consensus is that of the Companions. Ibn ‘Arabī agreed.³⁷⁰
- 9) No divine prescription is tied to any *ratio legis* in any way. Ibn Hazm declared that Dāwūd and all of his followers believe this, while some other rejectors of analogy do

³⁶⁵ Ibn ‘Arabī, *Futūḥāt*, 2: 162.

³⁶⁶ Ibn ‘Arabī, *Futūḥāt*, 2:149. The word *mafhūm* literally means ‘what is understood’ from a text. In its technical meaning in jurisprudence, however, it means linguistic implication or textual inference as discussed above. Al-Ghurāb understood the word *mafhūm* in this passage by its literal, non-technical meaning ‘what is understood’ and equated that to ‘literal meaning.’ He said that according to Ibn ‘Arabī, ‘consideration of the only the literal meaning (*mafhūm*) as evidence (*dalāla*) is weak, for it cannot reliably be true in every case’ (Al-Ghurāb, ‘Ibn al-‘Arabī,’ 200). Al-Ghurāb therefore used this statement of Ibn ‘Arabī as evidence that he was not a Zāhirī when in fact the passage, to the contrary, shows that Ibn ‘Arabī agreed with the Zāhirīs on this issue.

³⁶⁷ Ibn ‘Arabī, *Futūḥāt*, 2:164. See above, p. 108 n. 357.

³⁶⁸ Ibn ‘Arabī, *Futūḥāt*, 2:164. See above, p. 108 n. 358.

³⁶⁹ Ibn ‘Arabī, *Futūḥāt*, 2: 165.

³⁷⁰ Ibn ‘Arabī, *Futūḥāt*, 2: 162.

not.³⁷¹ We have already seen that al-Tirmidhī was of those rejectors of analogy who did believe that each divine prescription had a *ratio legis* and dedicated books to explaining the ratios of divine acts of worship. Ibn ‘Arabī affirmed the existence of *ratios* for divine prescriptions and his position was closer to that of al-Tirmidhī than the Zāhirīs. He would therefore be excluded from the followers of Dāwūd by Ibn Ḥazm’s criterion.

Another principle of central importance to Ibn Ḥazm and Dāwūd is the status of a *khavar al-wāḥid* (a tradition transmitted by single authorities).³⁷² Acting upon the import of such traditions is agreed upon by the vast majority of Muslim jurists. Only in the early centuries of Islam were there some, mostly Mu‘tazilīs, who rejected acting upon them.³⁷³ Dāwūd is reported to have vehemently debated a scholar who rejected acting upon these traditions in Baghdad, and the people in the mosque supported Dāwūd and pelted his opponent with stones.³⁷⁴ However, it seems that Dāwūd stood out from the majority of the scholars in arguing that such traditions, as long as their narrators were all trustworthy, were not only good enough as a basis for action, but were sources of certain knowledge.³⁷⁵ According to the list by Ibn al-Nadīm, Dāwūd wrote two works on this subject: *Kitāb al-khavar al-wāḥid* and *Kitāb al-khavar al-mūjib lil-‘ilm* (a

³⁷¹ Ibn Ḥazm, *al-Iḥkām*, 9: 76-7. This important principle was not listed by Osman. Principles 2-6 and 9 would constitute the ‘zāhirism’ of the school.

³⁷² In reality the *khavar al-wāḥid* (plural *akhbār al-āḥād*), are reports that are not *mutawāṭir*, even if transmitted by multiple authorities (on these terms see Lucas, ‘Legal Principles,’ 293, n. 12).

³⁷³ Zysow, *Economy of Certainty*, 25-6, 31.

³⁷⁴ Al-Qurashī, *al-Jawāhir*, 1:111.

³⁷⁵ Zysow, *Economy of Certainty*, 29-30. Ibn Ḥazm attributed this position to Dāwūd and two of his contemporaries: al-Ḥārith al-Muḥāsibī (d. 243/857) and al-Ḥusayn ibn ‘Alī al-Karābīsī (d. 245/859) (Ibn Ḥazm, *al-Iḥkām*, 1:119). It is worth noting that all of these figures were closely connected. Al-Muḥāsibī was a teacher of al-Junayd who was, like Dāwūd, a close student of Abū Thawr. Al-Junayd himself is counted among Dāwūd’s teachers (Osman, *History and Doctrine*, 29-30). Al-Karābīsī was a very close associate of Abū Thawr and may have also been a teacher of Dāwūd (Osman, *History and Doctrine*, 32-4). Ibn Ḥazm also noted that one scholar ascribed this view to Mālik ibn Anas as well (Ibn Ḥazm, *al-Iḥkām*, 1:119).

treatise on the traditions that provide certain knowledge).³⁷⁶ This was also the position of Ibn Ḥazm.³⁷⁷

On this issue of the *khavar al-wāḥid*, which distinguished Dāwūd and Ibn Ḥazm from the majority of jurists, Ibn ‘Arabī disagreed with them. Like the majority, Ibn ‘Arabī accepted such traditions as a basis for action but not of certain knowledge.³⁷⁸ It is interesting that there was an early group of Zāhirīs influenced by Mu‘tazilī thought who rejected the use of the *khavar al-wāḥid* completely, despite Dāwūd’s position.³⁷⁹ As Zysow noted, the Zāhirīs, because of their insistence on certainty, either accepted the use of the *khavar al-wāḥid* and held that it provided certain knowledge, or rejected its use because they denied that it provided certain knowledge. Ibn ‘Arabī acted upon them while accepting that they did not provide certain knowledge, which made him different from both groups of Zāhirīs.³⁸⁰

This disagreement led to another difference in methodology. For Ibn Ḥazm, if there seemed to be a contradiction between an authentic *khavar al-wāḥid* and the Qur’ān, both remained equal and a way had to be found to reconcile the two.³⁸¹ For Ibn ‘Arabī on the other hand, the tradition is dropped because it only gave *ẓann* (a strong likelihood of truth) whereas the Qur’ānic verse gave certain knowledge.³⁸²

³⁷⁶ Osman, *History and Doctrine*, 22; Stewart, ‘Muḥammad ibn Dā’ūd,’ 132.

³⁷⁷ Ibn Ḥazm, *al-Iḥkām*, 1:119. Abū Zahra understood from Ibn Ḥazm that he believed the *khavar al-wāḥid* produced certain but not immediate knowledge, unlike the *mutawātir* tradition which produced immediate knowledge (Abū Zahra, *Ibn Ḥazm*, 262).

³⁷⁸ Ibn ‘Arabī, *Futūḥāt*, 2:162-4.

³⁷⁹ Zysow, *Economy of Certainty*, 30-31. As Zysow noted, Ibn Ḥazm avoided mentioning this group of Zāhirīs (see Zysow, *Economy of Certainty*, 31; Ibn Ḥazm, *al-Iḥkām*, 1:113-4). However, Ibn Ḥazm’s knowledge of this group would explain why he did not claim the universal agreement of the *ahl al-zāhir* on this issue, despite its centrality to his and Dāwūd’s systems.

³⁸⁰ Zysow, *Economy of Certainty*, 30-31, 280-1.

³⁸¹ Ibn Ḥazm, *al-Muḥallā*, 1:72; *al-Iḥkām*, 2:21.

³⁸² Ibn ‘Arabī, *Futūḥāt*, 2:163.

With regards to a scenario where two texts of equal strength (such as two Qur'ānic verses or two authentic traditions),³⁸³ both Ibn 'Arabī and Ibn Ḥazm agreed on a number of ways to attempt to reconcile and use both pieces of evidence. However, they disagreed on the very last resort when all other attempts to reconcile the two have failed and only one text was to be chosen. For Ibn Ḥazm, the final solution was to act upon the evidence that went against the original state of things. For example, if there was a tradition against drinking while standing and another stating that the Prophet drank while standing, one knows that the original state of things is that there was no prohibition on drinking while standing. It becomes certain therefore that the tradition prohibiting drinking while standing was introduced by the Lawgiver. What is not certain is whether this addition was later abrogated and the original status brought back to normal. To be on the safe side, Ibn Ḥazm argued that one must follow the certain knowledge which is arrived at by going contrary to the original state of things. Another example he gave was the contradictory reports regarding a man's need for ablutions upon touching his genitalia. Ibn Ḥazm argued that the original state of things was that humans did not perform a ritual ablution upon touching their private parts, therefore the one thing we can be certain of is that the instruction to do so was added by the Lawgiver. If we have no information about which tradition was acted upon first, then we cannot prove that things returned to their original status, and we must act upon the certain knowledge provided by the tradition that went contrary to the original nature.³⁸⁴ Ibn 'Arabī's solution was radically different: in such cases, it is the easiest option that should be acted upon, because it is supported by a host of Qur'ānic verses and prophetic traditions about the ease of the Islamic religion and God's wish for ease for His servants, not hardship. If both options are easy, that means that the believer has a choice in the matter, and could act upon whichever of the two verses or traditions that he

³⁸³ Or in the case of Ibn Ḥazm, even a Qur'ānic verse vs. an authentic prophetic tradition.

³⁸⁴ Ibn Ḥazm, *al-Iḥkām*, 2:30-3.

wished.³⁸⁵ Therefore, contrary to Ibn Ḥazm, Ibn ‘Arabī chose the opinion that a man’s touching of his genitalia did not necessitate a new ablution.³⁸⁶

We have seen that Ibn ‘Arabī agreed with the Zāhirī school on the vast majority of their core principles, those principles upon which all Zāhirī scholars were in agreement according to Ibn Ḥazm. However, he disagreed with them on the role and status of traditions that were narrated on the authority of single transmitters. While Ibn Ḥazm did not state that all Zāhirīs agreed on this issue, this issue was nonetheless of major importance to both Dāwūd and Ibn Ḥazm and set them apart from other scholars. More significantly still, one of the main two pillars of Zāhirism was the categorical rejection of *qiyās*, and while Ibn ‘Arabī agreed with them in rejecting it, he at the same time allowed its use by others and criticised the Zāhirīs for attacking those who used it. This is a major difference that would almost definitely disqualify Ibn ‘Arabī from being considered a Zāhirī by Ibn Ḥazm and Dāwūd. This unique position will be explained in detail below.

Perhaps a more significant difference between Ibn ‘Arabī and the Zāhirīs is the reason behind their choice of principles. As Zysow, Osman, Gleave, and others showed in their studies, the basis for the principles adopted by the Zāhirīs was the desire to remove all probability in the formulation of the law. Their insistence that all general words are to be taken as unrestricted, that all commands are obligatory, that nothing is inferred from the text that is not clearly stated, their insistence that an authentic prophetic tradition gave certain and not probable knowledge, and their rules on linguistic interpretation, were all because they believed that the law had no place for probability.³⁸⁷ Ibn ‘Arabī was not concerned as much with certainty as the Zāhirīs were. We saw this with his belief on the *khābar al-wāḥid*, and we saw how in the case of

³⁸⁵ Ibn ‘Arabī, *Futūḥāt*, 2:163.

³⁸⁶ Ibn ‘Arabī, *Futūḥāt*, 1:355.

³⁸⁷ See Zysow, *Economy of Certainty*, 2-3; Osman, *History and Doctrine*, 197-8, 224-5. For Ibn Ḥazm’s Zāhirī methodology of linguistic interpretation see Gleave, *Islam and Literalism*, 172-3. For Ibn Ḥazm’s Zāhirī methodology of *ḥadīth* acceptance see Abū Zahra, *Ibn Ḥazm*, 258-269; Sabra, ‘Ibn Ḥazm’s Zāhirism,’ Part 1, 14-15.

contrary reports he did not look for absolute certainty like Ibn Ḥazm but argued that the easier option was to be chosen as a last resort, and if both were equally easy, that one had free choice between different options. Though, like the Zāhirīs, he also believed that ultimately there was only one answer that was true in the sight of God, he also held that God himself gave a stamp of approval to the different answers arrived at by different scholars based on their efforts and exertion, and he did not demand that only one answer be given. Perhaps that is because for Ibn ‘Arabī, like al-Tirmidhī before him, certainty was only achievable by way of divine inspiration and spiritual visions. This all shows that while Ibn ‘Arabī shared with the Zāhirī school their main principles, he did not share with them the reason for which they adopted their principles, and therefore his entire legal philosophy and understanding was different to theirs. His acceptance of a multiplicity of acceptable opinions, and of the use of *qiyās* by those who believed in it, would have been anathema to the Zāhirīs. It is therefore necessary to go beneath the outward similarities and examine the roots of Ibn ‘Arabī’s choice of principles and his understanding of the law, and this is what we now come to.

4.2 Ibn ‘Arabī’s Principles of Jurisprudence

We have shown that Ibn ‘Arabī agreed with Ibn Ḥazm and the Zāhirīs on the main principles of jurisprudence, that is: the acceptable sources and methodology for *ijtihād*. However, Ibn ‘Arabī differed with Ibn Ḥazm even on the things with which he agreed with him, meaning that he might have agreed with him on the rejection of *qiyās*, for example, but not on the reason why it was to be rejected, or the extent to which it may be rejected. He likewise may have agreed with him on following the *zāhir* of the Qur’ān and Sunna, and yet he had a different reason and methodology to that of Ibn Ḥazm for doing so, leading to radically different results, as we will show.

4.2.1 His Position on *Ijtihād* and Analogical Reasoning

We will now examine Ibn ‘Arabī’s position on *ijtihād* in general, before coming to his view on *qiyās* in particular. The Prophet Muḥammad is reported to have said, ‘When a judge exercises *ijtihād* and gives a right judgement, he will have two rewards, but if he errs in his judgement, he will still have earned one reward.’³⁸⁸ We will look at Ibn ‘Arabī’s position regarding two key matters related to this tradition: First, is every *mujtahid* correct or not, and second, what does the process of *ijtihād* entail?

According to the vast majority of jurists, this tradition indicates that there is one correct answer in the sight of God, and that all others are wrong, but that the *mujtahid* is rewarded for his effort even if he is mistaken. However, many theologians among the Ash‘arī school like al-Ash‘arī (d. 324/935) himself, al-Bāqillānī (d. 402/1013) and al-Ghazālī, as well as some prominent Mu‘tazilīs, held that every *mujtahid* is correct.³⁸⁹ They based this view on the idea that there is not one correct answer in the sight of God before the process of *ijtihād*, and that after the process of *ijtihād*, every result becomes a correct answer.³⁹⁰ Ibn ‘Arabī believed that there was ultimately only one correct answer in the sight of God. However, since God Himself allowed *ijtihād* as the tradition states, then that meant that He gave His stamp of approval (*iqrār*) to its results, whether they be right or wrong. Therefore the end result of one’s *ijtihād* is correct because it happens to arrive at God’s particular judgement on the matter, or it is correct because God has approved it. This judgement is protected by the principles (*uṣūl*) and rules (*qawā‘id*) of

³⁸⁸ Abū Dāwūd, *Sunan*, 3:1019.

³⁸⁹ On infallibilism see Zysow, ‘Ḥanafī,’ 239-247; *Economy of Certainty*, 262-78; Kamali, *Principles*, 486-489. Zysow noted that ‘The Sufi work *al-Ta‘arruf li-madhhab ahl al-taṣawwuf* of Abū Bakr al-Kalābādhi (d. c. 380/990) would appear to endorse infallibilism,’ but that, because he claimed Sufis nonetheless followed the ‘more cautious and conservative course’ in any matter of scholarly dispute, his position is ‘not easily reconciled with true infallibilism.’ (Zysow, ‘Ḥanafī,’ 241 n. 23; al-Kalābādhi, *al-Ta‘arruf*, 84). Al-Kalābādhi’s words also indicate that he did not believe in adherence to a single school of law.

³⁹⁰ Al-Luh, *Uṣūl al-fiqh*, 465-469.

the Sharī'a and it is widely accepted that rulers may not annul it.³⁹¹ That is why, Ibn 'Arabī says, 'the scholars have said that every *mujtahid* is correct.' In his understanding, this statement meant that the *mujtahid* 'either arrived at the actual divine judgement on the matter, or arrived at the judgement which God approved and established for him if he could not find the divinely chosen judgement and missed it.'³⁹²

The second question we come to now is what the word *ijtihad* meant to Ibn 'Arabī and what it entailed as a process. The majority of Sunni scholars advocated the use of *ijtihad*, or the expenditure of effort, in finding value judgments for actions not mentioned in the divinely revealed sources. They used as evidence the tradition of Mu'adh ibn Jabal, the Companion who was sent to Yemen, where he stated that if he did not find the answer to a problem he was adjudicating in the teachings of the Qur'ān or the Prophet, he would use his *ijtihad* to find an answer. The Prophet is stated to have been pleased with this answer. Although the chain for this tradition is broken, it was widely accepted by Sunni scholars as proof of *ijtihad* in general and *qiyās* in particular.³⁹³ Dāwūd al-Zāhirī, his son Muḥammad and their followers, however, rejected this tradition because of the fault with its chain of transmission. They also argued that even if the tradition were to be sound, *ijtihad* would have meant to exert more effort into finding the answer in the revealed sources.³⁹⁴ Ibn Ḥazm would later repeat the same arguments in his writings and expand upon them.³⁹⁵ The Zāhirīs redefined *ijtihad* therefore to mean the expenditure of effort into finding the answer for

³⁹¹ Ibn 'Arabī, *Futūḥāt*, 2:169. The reason that scholars did not allow the result of a judge's *ijtihad* to be annulled is not because it is always correct, but because this could lead to an endless series of annulments on a single issue, leading to confusion and mistrust of judge's rulings. See al-Luh, *Uṣūl al-fiqh*, 468.

³⁹² Ibn 'Arabī, *Futūḥāt*, 2:165.

³⁹³ See Kamali, *Principles*, 288, 474.

³⁹⁴ Stewart, 'Muḥammad ibn Dā'ūd,' 155.

³⁹⁵ Ibn Ḥazm, *al-Iḥkām*, 6:35.

any problem in the revealed sources,³⁹⁶ not the expenditure of effort into finding an answer using tools such as *qiyās*. Ibn ‘Arabī, approved of both interpretations of the word *ijtihād* while giving preference to the *Zāhirī* one. He did this by applying the principle of God’s approval of a person’s *ijtihād* not only to positive law, but also to the principles of jurisprudence themselves. In other words, the very principles of jurisprudence are arrived at by way of *ijtihād*, and therefore God has given His approval for any set of juristic principles arrived at by man, such as the acceptance or rejection of *qiyās* for example. He wrote,

[The Prophet] did not single out the corollaries in *ijtihād* and leave out the principles. Rather, he spoke in general terms. Therefore those who hold that he meant only the corollaries and not the principles, that is a result of their own *ijtihād*, and likewise is the case for those who hold that the expression was general. Both will be rewarded for their *ijtihād*.³⁹⁷

Here we see Ibn ‘Arabī taking the position that the judgement on *ijtihād* is the same for both principles and corollaries, and combining it with the position that all results of *ijtihād* are acceptable, to arrive at the conclusion that all positions on principles of jurisprudence arrived at by way of *ijtihād* are correct. By holding this position, Ibn ‘Arabī could approve of both interpretations of the word *ijtihād*, and therefore approve at one and the same time of the methodologies of those who approved of *qiyās* and those he did not. Ibn ‘Arabī himself gave preference to the *Zāhirī* position, but by adopting this stance on *ijtihād* with regard to principles of jurisprudence, he gave himself a position above that of the *Zāhirīs* and their detractors. Therefore while his own methodology was very similar to that of the *Zāhirīs*, it would not be correct to

³⁹⁶ As for Consensus, it is not seen as something outside these two sources because it is taken to be an indication of an existence of a Sunna that was known to all the Companions and yet did not reach the later generations by way of narration.

³⁹⁷ Ibn ‘Arabī, *Futūḥāt*, 2:477.

classify him as a *Zāhirī* because he also approved of a position completely at odds with that of the *Zāhirī* school.

Ibn ‘Arabī agreed with the *Zāhirīs* that *ijtihād* was not to create new law but to seek the evidence from the Qur’ān, Sunna, Consensus, or an understanding of the texts acceptable to the language of the Arabs that gives a ruling on a matter. He argued that there is nothing for which there is no answer in the Qur’ān and Sunna, for the religion has been perfected as the Qur’ān stated in 5:3, and perfection does not accept any increase.³⁹⁸ At the same time, he argued that for those who could not find the answer to everything in the revealed sources, it was acceptable for them to use analogy. This is because analogy is a type of speculative thought or rational inquiry (*naẓar ‘aqlī*), and many verses of the Qur’ān commanded the listeners to use rational inquiry to establish first His existence, second His oneness, and third the truthfulness of His Messenger. If these very cornerstones of the religion are established and strengthened by way of rational inquiry, then how could it not be acceptable in the case of something comparatively minor to this, such as an individual point of law. Therefore it is rational inquiry itself which proves analogical reasoning to be a source of law in times of necessity, in which a matter on which the law remained silent is compared with another which was addressed by the sources. This is because of a *ratio legis* that both matters share, which is likely to have been the intent of the Lawgiver.³⁹⁹ He concluded,

According to me, whoever says that those who approve of analogical reasoning are wrong, or says that a *mujtahid* is wrong, whether in a particular corollary or a principle, has shown bad manners with the Lawgiver. This is because the Lawgiver has approved of his judgment, and the Lawgiver does not approve of falsehood, so it must be truth. Therefore the only error ascribed to [the one who accepts analogical reasoning] is in not finding the evidence that his opponents hold for not accepting it. Therefore even if it was wrong in and of itself, the Lawgiver made it an act of worship for him (because his *ijtihād* led him to accept

³⁹⁸ Ibn ‘Arabī, *Futūḥāt*, 3: 69, 502. Here we see Ibn ‘Arabī accepting any understanding of the text that is approved by the language of the Arabs as proof, a principle which we will address below.

³⁹⁹ Ibn ‘Arabī, *Futūḥāt*, 2:163.

it as a source of law), and the Lawgiver may choose whatever He wishes as a way of being worshipped by His servants (i.e. even acting upon something wrong like analogical reasoning). This is a way which is uniquely ours, as far as we know. We reject analogical reasoning for ourselves but approve of it for those whose *ijtihād* led them to accept it, because the Lawgiver established it (i.e. the result of his *ijtihād*). Therefore if he who opposes it⁴⁰⁰ was fair he would remain quiet and not argue on this matter, for it is too obvious to be argued about.⁴⁰¹

Ibn ‘Arabī argued that God, out of His mercy, kept all actions originally judgement-free, and only revealed judgments based on a core of necessary instructions, and based on what people asked about. The Prophet therefore many times warned his followers about asking too many questions, fearing that new instructions might be revealed due to their curiosity that they would then not be able to act upon.⁴⁰² Just as the Prophet disliked (*kariha*) being asked questions, likewise God - and His Messenger’s - ruling on the creation of new laws is that it is *makrūh* (disliked); this is because it leads to an increase in legal obligations. When something is disliked in the law, that means that one will not be punished for doing it as with something impermissible (*ḥarām*), and yet those who avoid it will be rewarded for doing so.⁴⁰³ For Ibn ‘Arabī, therefore, abstaining from the use of analogy is rewarded by God. On the other hand, those who believe in using it will still be rewarded for their efforts and for their use of analogy, especially if they based their analogy on a clear *ratio legis* that was most likely sought by the Lawgiver.⁴⁰⁴ The use of *ijtihād* to make new laws, then, though it is *makrūh*, becomes at the same time an act of worship that is rewarded, whether the results are correct or erroneous! Those who err receive one reward and those who are correct

⁴⁰⁰ I.e. analogical reasoning. However it is possible that Ibn ‘Arabī means here he who disagrees with his own position.

⁴⁰¹ Ibn ‘Arabī, *Futūḥāt*, 2:163.

⁴⁰² Ibn ‘Arabī, *Futūḥāt*, 2:164-5.

⁴⁰³ See the section by Kamali, *Principles*, 424-8.

⁴⁰⁴ Ibn ‘Arabī, *Futūḥāt*, 2:165.

receive double. God, as the Lawgiver, can make an act of worship for His servants out of anything that He wishes, even something that is *makrūh*, and He did so with *ijtihād* and the use of analogy.

Ibn ‘Arabī found a parallel for this position in religious vows (*nadhr*), where one may make a vow such as ‘If God gives me such and such then I will do such and such act of worship or charity.’ According to Ibn ‘Arabī, the Prophet disliked these vows because they are an additional obligation that mankind are adding to themselves, but at the same time made the fulfilment of these vows an obligation, which means that fulfilling them is rewarded and not fulfilling them is blameworthy and punishable.⁴⁰⁵ For Ibn ‘Arabī, then, the use of analogy in *ijtihād* leads to the earning of reward, but not as much as the reward of abstaining from it altogether.⁴⁰⁶ At the very same time, Ibn ‘Arabī saw in God’s approval of men’s additions to the law a great honour. This seemingly contradictory position will now be explained.

The act of *ijtihād* for Ibn ‘Arabī is a great honour that God bestowed upon the nation of Muḥammad, for lawgiving is originally an act of the prophets and messengers. In allowing the men of Muḥammad’s community to do *ijtihād*, God was in fact giving them a share of the role of prophethood - without calling it thus. In effect then, those who do *ijtihād* are like the prophets but they cannot be called prophets, and in any case it is known that the lawgiving of the prophets was not based on *ijtihād*. The fact remains, however, that *mujtahids* are in a sense acting like prophets when they make new laws. The *mujtahids* are the heirs of the messengers in lawgiving, and the evidences

⁴⁰⁵ Ibn ‘Arabī, *Futūḥāt*, 3:230.

⁴⁰⁶ ‘Your reward in abstaining from establishing a new *sunna* is far greater than the reward that you would get for establishing a new *sunna* (including the reward of all those who act upon it until the Day of Judgement), for the Prophet - peace and blessings be upon him - disliked the increase of obligations upon his nation. He disliked for them to ask too many questions out of fear that something would be revealed about it that they would not be able to bear, and whoever establishes a new *sunna* establishes a new obligation. The Prophet would have been the most suitable to establish that, but he left it to make things easier. That is why we say: following the Prophet in abstaining (from the establishing of a new *sunna*) is greater in reward than in making one.’ (Ibn ‘Arabī, *Futūḥāt*, 4:457). See also *Futūḥāt*, 1:696 and 2:188.

that they gather take the place of the revelation that came down upon the prophets, and the differences in rulings of different *mujtahids* is similar to the differences in laws between different prophets; however that does not equate them in any other way to the prophets and messengers.⁴⁰⁷ Furthermore, every *mujtahid* is correct just as every prophet is *ma'sūm* (protected from error).⁴⁰⁸ This is an honour that God gave this community so that its scholars can be raised on the Day of Resurrection in the ranks of the prophets and messengers, not in the ranks of other nations, with no one ahead of them except the Prophet Muḥammad himself.⁴⁰⁹ The Prophet had said, 'The scholars are the inheritors of the prophets' and had also said, 'Whoever establishes a good practice (*sunna ḥasana*) will have its reward and the reward of those who act upon it.' The Prophet, therefore, had given his stamp of approval on the injunctions that result from the scholars' *ijtihād* and *istiḥsān* (what they deem to be good), meaning that every *ijtihād* is correct.⁴¹⁰ We see here how Ibn 'Arabī linked the type of *ijtihād* known as *istiḥsān* with the tradition about establishing new practices. Ibn 'Arabī therefore called the judgements in the revealed sources *nubuwwa aṣliyya* (original prophecy), and the judgements added by scholars by way of *ijtihād*, *nubuwwa fir'iyya* (derivative prophecy). This is presumably because it was God who allowed scholars to bring new laws like the Prophets, and because these laws were derived from the original laws brought by the Prophets and built upon them. However, having said this, Ibn 'Arabī counselled his reader to strive to only follow original prophecy, and to never go beyond what is in the original sources, in order to be a perfect follower of Muḥammad himself.⁴¹¹ He wrote,

⁴⁰⁷ Ibn 'Arabī, *Futūḥāt*, 1:545; 2: 252.

⁴⁰⁸ Ibn 'Arabī, *Futūḥāt*, 3:400. This does not mean that *mujtahids* are protected from error like Prophets. It only means to show a parallel between the two.

⁴⁰⁹ Ibn 'Arabī, *Futūḥāt*, 2:400.

⁴¹⁰ Ibn 'Arabī, *Futūḥāt*, 2:168-9.

⁴¹¹ Ibn 'Arabī, *Futūḥāt*, 2:169.

Every *mujtahid* is bound to what his *ijtihād* led him to, but he may not accuse those who disagree with him of being in error...⁴¹² We must never criticise the ruling of a *mujtahid* because it is the Sharī‘a itself, being God’s judgement, that approved of [the *mujtahid*’s] judgement, so it becomes the law of God by God’s approval of it, and this is a matter in which the people of all the schools of law fall into the realm of the prohibited...⁴¹³

Ibn ‘Arabī, however, did not tolerate a scholar’s use of opinion or analogy where a text has already spoken on an issue. He wrote, ‘If the revealed text appears to him, and he leaves it in favour of his own opinion [*ra’y*] or what he claims to be perspicuous analogy, there is no excuse for him before God, and he is blameworthy.’⁴¹⁴ As we have stated, Ibn ‘Arabī believed that the position that rejected the use of analogical reasoning was stronger. ‘God is not absent-minded; His silences are not omissions. It is not for man to fill in the “voids” in Revelation,’ as Addas summarised his position succinctly.⁴¹⁵ In an illuminating passage that will clarify for us his position further, he wrote,

I asked the Messenger of God peace be upon him in a dream vision about the woman that is divorced three times in one pronouncement, and that is that (the husband) says to her: ‘You are divorced three times.’ He peace be upon him said

⁴¹² Ibn ‘Arabī, *Futūḥāt*, 1:523.

⁴¹³ Ibn ‘Arabī, *Futūḥāt*, 1:348. In other words the followers of all schools fall into the sin of rejecting the opinions of others which God Himself approved of.

⁴¹⁴ Ibn ‘Arabī, *Futūḥāt*, 1: 499. Obvious analogy (as Kamali translates ‘*qiyās jalī*’), or ‘perspicuous *qiyās*’ as Hallaq translates it, was considered the strongest type of analogy which was accepted by many of those who rejected *qiyās* on principle. It thus represented the most valid or authoritative form of *qiyās* (See Hallaq, *History*, 102-3, 105; Kamali, *Principles*, 286.). Ibn ‘Arabī was referring to those scholars who rejected prophetic traditions based on what they claimed to be obvious (and therefore undeniable) analogy from a Qur’ānic text which would mean that a tradition stating the contrary must necessarily be wrong. For him, they are wrong in thinking that such an analogy is obvious, and must hold tightly to the *ḥadīth*, even if it seemed obvious by way of reason that they should not.

⁴¹⁵ Addas, *Voyage*, 123. The Ṣāḥirīs also rejected *qiyās* because the Qur’ān, in verse 4:59, instructed those in dispute to return their affairs to God and His messenger if they had faith, which, after the latter’s passing, was understood to refer to the Qur’ān and Sunna; according to them, then, to solve a dispute by analogy or anything outside the Qur’ān and Sunna is invalid and amounts to the creation of new law that God did not permit.

to me: ‘It is three (divorces) as he said, and she is not lawful for him again until she (first) marries (and then divorces) a different husband.’ So I said to him: ‘Oh Messenger of God, there are among the people of knowledge those who hold that it is only counted as one divorce.’ So he said: ‘Those have judged according to what has reached them,⁴¹⁶ and are correct.’ So I understood from this that the judgment of every *mujtahid* is approved, and that every *mujtahid* is correct. So I said to him: ‘Oh Messenger of God, I only want in this matter what you yourself would rule if you were asked about it, and what you would do if such an incident happened to you.’ So he said to me: ‘It is three (divorces) as (the husband) said, she is not allowed to him until she (first) marries (and then divorces) another husband.’⁴¹⁷

For Ibn ‘Arabī, it is wrong to reject the opinions of others, whether in principles or corollaries. It is *ijtihād* that leads some scholars to approve of analogy and others to reject it, and the *ijtihād* of both is correct for themselves. It is therefore not permissible for the rejectors of analogy to forbid its practitioners from using it, just as it is not permissible for the practitioners of analogy to forbid the Zāhirīs from rejecting it.⁴¹⁸ For Ibn ‘Arabī, the truly correct answer is the one that the Prophet would have chosen in his own lifetime. Likewise, it is the answer that the Mahdī would rule with when he emerges, as he will abolish the schools of law and keep only the ‘pure religion.’⁴¹⁹ This one true answer on every issue is the one that would be chosen by the solitary ones among the nation (the *afrād*) who succeed in preparing themselves spiritually for the descent of the true answers upon their hearts, and indeed it is a mark by which they are recognised that they never disagree amongst each other on any judgement.⁴²⁰ Ibn ‘Arabī of course ascribed to himself this type of *ijtihād*, saying that ‘though the Lawgiver has approved of the *mujtahid*’s judgement, even if he is wrong, yet the people of this way

⁴¹⁶ Of evidence or narrations.

⁴¹⁷ Ibn ‘Arabī, *Futūḥāt*, 4:552.

⁴¹⁸ Ibn ‘Arabī, *Futūḥāt*, 1:472.

⁴¹⁹ Ibn ‘Arabī, *Futūḥāt*, 3:337, 327.

⁴²⁰ Ibn ‘Arabī, *Futūḥāt*, 3:271.

(*ṭarīqa*) only take what the Messenger of God himself has judged.⁴²¹ It should however be pointed out that in the beginning of the same passage he said that he took ‘many’ of Muḥammad’s judgements in this way, indicating that he did not claim to take all of the Sharī‘a’s judgements by way of inspiration. This would accord with Ibn ‘Arabī’s hesitant tone on the authenticity of several prophetic traditions or on the correct answer to some questions: he is not afraid to show that he does not have the absolute answer on every issue.⁴²² He similarly stated that the Maḥdī will be veiled from the answers to some questions too, at which point he will treat them as if they were in the realm of the ‘permissible’ because God will protect him (make him *ma‘ṣūm*) from the use of *ra’y* and analogy.⁴²³ This contrasts with the more confident tone of al-Tirmidhī who never hesitated on any matter, and who seems to suggest that there is no room for doubt for those who can penetrate through the veils.

Despite his repeated discussions of analogical reasoning, Ibn ‘Arabī rarely discussed the issue of the existence of *ratios* for the divine prescriptions. Unlike the Zāhirīs for whom this matter was strongly linked to their rejection of analogical reasoning, and who strongly attacked and rejected the existence of *ratios*, Ibn ‘Arabī only rarely discussed this matter, and when he did, he took the opposite position of accepting their existence.⁴²⁴ Like al-Tirmidhī before him, Ibn ‘Arabī explained the wisdom (*ḥikma*) behind the different acts of worship at length. When discussing one act of worship that scholars deemed to be a pure act of worship without a known reason, Ibn ‘Arabī gave the wisdom behind this act. However, he then proceeded to approve of the fact that scholars, because they lacked divine unveiling, deemed many acts of

⁴²¹ Ibn ‘Arabī, *Futūḥāt*, 1:224-5.

⁴²² For example, in *Kitāb al-Mubashshirāt*, Ibn ‘Arabī mentions asking the Prophet in a dream about the meaning of the word *qur’* in the Qur’ān which some schools understood to refer to the menstrual period and others to its opposite: the period of purification between periods. Ibn ‘Arabī received a hint but not a direct answer as to the correct answer. (Ibn ‘Arabī, *al-Mubashshirāt*, 435).

⁴²³ Ibn ‘Arabī, *Futūḥāt*, 3:337.

⁴²⁴ For the Zāhirī rejection of *ratios*, see Ibn Ḥazm, *al-Iḥkām*, 8:76-128.

worship to be acts of pure servitude without a *ratio legis*. He held that *ratios* did exist and were intended by the Lawgiver and yet at the same time did not bring about the existence of the divine injunctions. For him, to disassociate the injunctions of God from *ratios* was more befitting of God's sublimity and transcendence, because it was to disassociate God's actions from causes (*al-ʿilal ghayr muʿaththira fī ʿijād al-ḥukm maʿ wujūd al-ʿilla wa kawnahā maqṣūda wa hādhā aqwā fī tanzīh al-janāb al-ilāhī*).⁴²⁵ Ibn ʿArabī therefore was more concerned with the theological implications of *ratios*, rather than their jurisprudential implications.

This extended treatment of Ibn ʿArabī's understanding of *ijtihād*, particularly with regard to analogy (as well as *istiḥsān* and the establishment of new practices), clearly shows that Ibn ʿArabī was by no means a *Zāhirī*, and explains for us how he was able to approve of all the different opinions of the schools throughout his jurisprudential discussions in the *Futūḥāt*.

4.2.2 Divine Mercy and the Law

We have seen how Ibn ʿArabī disapproved of the addition of new laws in jurisprudence like the *Zāhirīs*. However we also saw that in principle he found that there was a great honour in the legislative function that God gave *mujtahids*. Ibn ʿArabī made it clear that unlike the *Zāhirīs* who completely rejected the use of analogy in principle as a source of legislation, he only rejected it because he feared it would increase the number of legal obligations upon the believers. He said, 'We only stayed away from accepting *qiyās* ourselves because it leads to an increase in legal rulings, and we

⁴²⁵ Ibn ʿArabī, *Futūḥāt*, 1:685. He elsewhere stated that the *ratios* could be known for some prescriptions and not known for others, implying that they did exist for all prescriptions but were not necessarily known (Ibn ʿArabī, *Futūḥāt*, 4:267). See also the section where Ibn ʿArabī explained the pro-*qiyās* argument (Ibn ʿArabī, *Futūḥāt*, 2:163).

understood from the Lawgiver that he wanted to lighten the burden of this community.⁴²⁶ The Qur'ān had said:

You who believe, do not ask about matters which, if made known to you, would make things difficult for you - if you ask about them while the Qur'ān is being revealed, they will be made plain to you - for God pardons them (i.e. has absolved you of any obligation regarding them). God is most forgiving and forbearing (5:101)

According to early Qur'ān commentators such as al-Ṭabarī, quoting Ibn 'Abbās and Abū Hurayra, this verse was revealed when the Prophet told his people that the Pilgrimage has been made an obligatory act, at which point a man stood up to ask if it is to be done every year. The Prophet is reported to have replied,

Had I said 'yes' it would have become obligatory upon you to do so, and you would not have been able to fulfil this obligation. Leave me as long as I leave you... If I instruct you to do something then fulfil as much of it as you are capable of, and if I forbid you from something then stay away from it.⁴²⁷

Similarly the Prophet's cousin Ibn 'Abbās said,

God sent His Messenger and sent down His Book in which He declared what is lawful and what is unlawful. Therefore what He made lawful is lawful and what He made unlawful is unlawful, and what He remained silent about has been pardoned.⁴²⁸

⁴²⁶ Ibn 'Arabī, *Futūḥāt*, 2:165.

⁴²⁷ Al-Ṭabarī, *Jāmi' al-bayān*, 11: 104-9; Muslim, *Ṣaḥīḥ*, 2:975.

⁴²⁸ See Ibn Ḥazm, *al-Iḥkām*, 8:28. This is narrated by Abū Dāwūd in his *Sunan* and is regarded as authentic. Other narrations attribute similar statements to the Prophet himself. Of these, the one with the soundest chain, according to Ibn Rajab, is that narrated by al-Bazzār in his *Musnad* and al-Ḥākim in *al-Mustadrak*: 'What God made lawful is lawful and what He made unlawful is unlawful, and what He remained silent about has been pardoned, so accept from God His pardon, for God would not forget a single thing.' Another narration popularised by Sharaf al-Dīn al-Nawawī (d. 676/1277) in his famous collection of forty traditions, was narrated by al-Dāraquṭnī: 'God has given you obligations, so do not neglect them; drawn limits, so do not transgress them; prohibited some things, so do not violate them; and remained silent on some things as a mercy for you, not out of forgetfulness, so do not investigate them.' On these narrations and similar statements attributed to prominent scholars among the generation of the Followers, see Ibn Rajab, *Jāmi'*, 2: 149-152.

Based on such texts and others, Ibn ‘Arabī rejected analogical reasoning and other forms of *ijtihād* that led to an increase in the obligations upon man. As we have seen, he argued that *mujtahids* were bound to follow the opinion that their *ijtihād* or analogy led them to, but argued that others were not bound to follow anything but the Qur’ān and Sunna.⁴²⁹ People had the option of whether or not they wished to follow what scholars added by way of analogical reasoning. If they followed someone’s *ijtihād*, then they were following a law approved by God for that person, and yet this remained a questionable matter. It is better to follow only what is in the texts for God only commanded the people to ask ‘the people of the Remembrance’ (21:7), and that meant the experts on the Qur’ān and the experts on the Sunna.⁴³⁰ Furthermore, how could God make an act of worship for people out of the product of someone else’s reasoning? Acts of worship can only come from the Qur’ān and Sunna.⁴³¹ For Ibn ‘Arabī therefore, people would only be taken to account on the Day of Judgement according to what was in the Qur’ān and Sunna, and would not be questioned about anything added by the jurists based on analogy.

For Ibn ‘Arabī, as we have shown, *ijtihād* was the search for the answer to a question within the Qur’ān and Sunna, and therefore the role of the scholars and muftis was simply to transmit the evidence from the Qur’ān, Sunna, or Consensus (of the Companions) to the questioner. The imitation of scholars was only acceptable when the scholar or muftī stated that his answer is the ruling of God and His Messenger as proven by one of the three above sources, but if he stated that the ruling was based on his opinion or reasoning, then it became impermissible for a person to follow it.⁴³²

⁴²⁹ Ibn ‘Arabī, *Futūḥāt*, 1:472; 4:305.

⁴³⁰ Ibn ‘Arabī, *Futūḥāt*, 3:230. The ‘Remembrance’ meaning the Qur’ān, and by extension, the Sunna.

⁴³¹ Ibn ‘Arabī, *Futūḥāt*, 1:373.

⁴³² Ibn ‘Arabī, *Futūḥāt*, 1:373; 2:165. Also from Ibn ‘Arabī’s commentary on verse 2:170 in *Ījāz al-bayān*, as quoted by al-Ghurāb in *al-Fiqh*, 66-7.

According to Ibn ‘Arabī, like Ibn Ḥazm before him, a layman may not be bound to following a single school of jurisprudence, but must search for the scholar who will tell him that he is providing the judgement of God and His Messenger, regardless of what school this scholar follows. He gave this advice to the layperson,

I warn you that you must not bind yourself to following a single school, but must act upon God’s commandment, for He has commanded you to ‘ask the people of the Remembrance if you do not know,’ (21:7) and the people of the Remembrance are the experts on the Qur’ān and Sunna, for the ‘Remembrance’ is the Qur’ān as stated in the Qur’ān. You must seek the removal of difficulty (*raf‘ al-ḥaraj*) in your matter if possible, for God said, ‘He has imposed nothing difficult on you in matters of religion’ (22:78) and the Prophet said ‘The religion is about ease.’ So ask about the easier option (*rukḥṣa*) in the matter until you find it, and when you find it, act upon it.....If you want to take the harder option (*‘azā’im*) in your matters do so, but only in what applies to yourself (and not others), and know that the removal of hardship is the *sunna*.⁴³³

At the same time, even though God’s mercy meant that no one was obliged to follow the additions of the scholars, Ibn ‘Arabī, found another type of mercy in their additions. He argued that the learned opinions and *istiḥsān* of the scholars provided people with more opinions to choose from. Thus in people only being taken to account for what is in the revealed texts is a mercy, but in God’s acceptance of other peoples’ *ijtihād* for themselves and whoever wished to follow them, there was a different mercy. This allowed people to seek the easiest option in any school of thought. The jurists, however, deprived the people of this mercy by restricting them to following a single school of jurisprudence and by barring them from searching for easier solutions in other schools, fearing that this would amount to playing with the religion. For Ibn ‘Arabī, God had approved of the *ijtihād* of every *mujtahid*, and made it part of the Sharī‘a, therefore those who wished to seek their solutions in other schools have evidence to do so in this, for they are following something from the Sharī‘a. It is those who forbid

⁴³³ Ibn ‘Arabī, *Futūḥāt*, 4:491.

people from going beyond a single school of jurisprudence who have no evidence for this position of theirs, except their unfounded fears. Furthermore, the founders of the schools never commanded anyone to follow only them and not any other, and those who now forbid people from doing so were not independent *mujtahids* like the founding imams, by their own admission, and therefore they have no right to make such statements.⁴³⁴ He wrote,

Out of divergence in legal questions God has made both a mercy for His servants and a widening [*ittisā*] of what He has prescribed for them to do. But the jurists of our times have restricted and forbidden, for those who follow them, what the Sacred Law had widened for them. They say to one who belongs to their school, if he is a Ḥanafī, for example: ‘Do not go looking for al-Shāfī’s dispensation in this problem that you have.’ And so on for each of them. That is one of the gravest calamities and one of the heaviest constraints in the matter of religion. Now God said that ‘He has imposed nothing difficult on you in matters of religion’ [Quran 22:78]. The law has affirmed the validity of the status of him who makes a personal effort (*ijtihād*) for himself or for those who follow him. But the jurists of our time have forbidden this, maintaining that it leads to making light of religion. This, from them, is the height of ignorance!⁴³⁵

For Ibn ‘Arabī, the *muqallid* (imitator) is *muṭlaq* (has absolute freedom) to choose what he wishes out of the different opinions of the *mujtahids*. Jurists usually used the term *muṭlaq* for the independent *mujtahids* like the four imams, who followed no one, and restricted everyone else to following a school. Ibn ‘Arabī instead cleverly called the imitators *muṭlaq* for being free to move freely from one school to another seeking the easy option, whereas it is the *mujtahid* who was *muqayyad* (restricted) by his evidence

⁴³⁴ Ibn ‘Arabī, *Futūḥāt*, 1:392.

⁴³⁵ Ibn ‘Arabī, *Futūḥāt*, 1:392. I made use of Chodkiewicz’ translation in *Ocean*, 56, with minor improvements.

and the result of his *ijtihād*.⁴³⁶ Ibn ‘Arabī even went as far as to accuse those who thus restricted God’s Sharī‘a and made things difficult for the Muslims as having left the religion.⁴³⁷ For Ibn ‘Arabī, God is merciful and so placed a mercy even in the act of the jurists who transgressed His mercy by adding to His laws.

Ibn ‘Arabī was not the first to hold this opinion, for it was held before him by Ibn Abī Hurayra (d. 345/956), the Baghdadī judge who became the ultimate authority of his age in the Shāfi‘ī school.⁴³⁸ The majority of scholars, on the other hand, claimed that one who sought the easier option on every matter was a *fāsiq* (a man of disobedience).⁴³⁹ Like Ibn ‘Arabī after him, Ibn Abī Hurayra stated that there was no legal basis for forbidding people from seeking the lenient options in every school. He argued that they should in fact seek the easiest option because the Prophet had wanted ease for God’s servants in their obligations.⁴⁴⁰ Despite the eminence of Ibn Abī Hurayra, however, the Mālikī traditionist - and close friend of Ibn Ḥazm - Ibn ‘Abd al-Barr of Cordoba (d. 464/1071) could claim a century later that there was a consensus among

⁴³⁶ Ibn ‘Arabī, *Futūḥāt*, 4:142. This could be seen as a natural consequence of the doctrine of infallibilism, and was accepted by some jurists. However, other infallibilists like al-Ghazālī sought to restrict this freedom by requiring the layperson to follow the scholar that he regards as the most learned (see Zysow, *Economy of Certainty*, 274-5).

⁴³⁷ Ibn ‘Arabī, *Futūḥāt*, 4:79.

⁴³⁸ Al-Luh, *Uṣūl al-fiqh*, 479. On Ibn Abī Hurayra see al-Dhahabī, *Siyar*, 15:428; Melchert, *Formation*, 105.

⁴³⁹ The origin of this fear may stem from the early period of Islam in which no ‘orthodoxy’ had yet been established and the scholars of different regions in the Islamic world had not yet come to implement many traditions that would later become universally accepted. Because of that situation, Ibn Ḥanbal said that ‘He who acts upon the opinion of the people of Kufa on the (permissibility) of date-wine, and the opinion of the people of Medina on the (permissibility) of listening to music (*samā‘*), and the people of Mecca on the (permissibility) of temporary marriages, would be a *fāsiq*’ (Al-Zarkashī, *al-Baḥr al-muḥīt*, 8:382; al-Shawkānī, *Irshād*, 2:253). Ibn Ḥanbal is not known, however, to have limited anyone to following his opinions only or one particular school, and one could see how by the time of Ibn Abī Hurayra his fear was no longer an issue. In fact, some Ḥanbalīs claim that Ibn Ḥanbal himself held the same opinion as Ibn ‘Arabī, and that he said to one of his associates, ‘Do not force people to follow your opinion (*madhhab*) for that would cause them difficulty. Let them seek the easier options provided by the opinions of others’ (al-Shawkānī, *Irshād*, 2:252).

⁴⁴⁰ Al-Luh, *Uṣūl al-fiqh*, 479.

scholars on the impermissibility of seeking the easier options from the different schools.⁴⁴¹ As Addas noted,

If, to those who interpreted the Law for the ‘mass of the believers’ he recommended leniency, for himself and for those who wanted to follow in his footsteps he would not permit recourse to facilitating solutions, even completely legitimate ones. Mercy towards others, steadfast rigour toward himself: these are the defining poles of Ibn ‘Arabī’s ethics.⁴⁴²

Addas correctly attributed Ibn ‘Arabī’s position on the permissibility, even the desirability, of the layman seeking the easiest opinions from among the different schools to his self-image as the perfect heir of the Prophet Muḥammad.⁴⁴³ Ibn ‘Arabī wrote, ‘God has created me a mercy, and made me an inheritor of mercy from the one to whom it was said, ‘We did not send you but as a mercy to all the worlds’ (21:107).⁴⁴⁴ However, Ibn ‘Arabī ‘in no case should be seen as espousing laxism of any kind: Ibn ‘Arabī - and this cannot be repeated often enough - would not tolerate any transgression of the

⁴⁴¹ A-Luh, *Uṣūl al-fiqh*, 479. As for laymen not being bound to a school of law and seeking a fatwā from the nearest muftī regardless of his school - provided that they were not seeking dispensations-, it would come to be an acceptable opinion among a number of leading medieval scholars from all four schools. The earliest medieval scholar that we have found to hold this opinion was Sharaf al-Dīn al-Nawawī (d. 676/1277), who was seven years old when Ibn ‘Arabī passed away. Al-Nawawī is one of the two main authorities in the Shāfi‘ī school. He accepted that laymen get *fatwas* from whomever they wanted, regardless of the school followed by the *muftī*, and explained that those who restricted laymen to one school only did so out of fear that they would simply seek the muftī with the easiest opinion for each matter. This was based on the idea that laymen cannot be said to have a *madhhab* in the sense of a methodology that they believed was the most correct, and only scholars must, out of intellectual honesty, bind themselves to a single methodology, (see al-Nawawī, *Rawḍat al-ṭālibīn*, vol. 11, 117). For the names of subsequent scholars who held this opinion, see al-Sanūsī, *Īqāz al-wasnān*, 94-8.

⁴⁴² Addas, *Voyage*, 124. This very principle seems to have been repeated by the Indian scholar Fakhr al-Dīn al-Zarrādī (d. 748/1347), one of the chief disciples of Niẓām al-Dīn Awliyā’ (d. 725/1325). In a work on *ḥadīth* he wrote, ‘They (the Sufis) act upon the most precautionary *madhhab* (on each issue) and do not accept to follow a particular *madhhab*, as some of them said, ‘the Sufi has no *madhhab*.’ They hold firmly to the tradition that states, ‘Disagreement among my community is a source of leeway in the religion.’ If disagreement is leeway, then choosing a single *madhhab* is restriction.’ (Al-Zarkalī, *al-A‘lām*, 5:137).

⁴⁴³ Addas, *Voyage*, 124.

⁴⁴⁴ Ibn ‘Arabī, *Futūḥāt*, 4:163.

Law.’⁴⁴⁵ Likewise, Ibn ‘Arabī did not simply accept every lenient position. For example, he very strongly rejected the practice of combining two prayers during travel within the time period of one of those two prayers, which is the practice of the majority (the Shāfi‘īs, Mālikīs and Ḥanbalīs). Ibn ‘Arabī took the side of the Ḥanafīs and Zāhirīs for whom the only acceptable method of combining prayers was to pray the Zuhḥr prayer for instance at the very end of its time and then pray the ‘Aṣr at the very beginning of its time, and that is certainly a much more difficult opinion to follow. Ibn ‘Arabī did not find sufficiently strong and clear evidence to move something as important as prayer outside of its prescribed time, stating that those who dared do so ‘had not even smelled the scent of knowledge.’⁴⁴⁶

4.2.3 Ibn ‘Arabī’s Literalism

Among the most notable aspects of Ibn ‘Arabī’s approach to jurisprudence is the amount of analysis that he gave to the Qur’ānic text, and his understanding of how the Qur’ānic text is to be approached and understood. Addas wrote,

The Qur’ān, and then the *ḥadīth*, are the two scriptural sources of Islamic jurisprudence. The ‘way of reading’ the Holy Book consequently plays a fundamental role in the interpretation of the Law and in the way the Law is applied.....Ibn ‘Arabī places great emphasis on the *form* of divine discourse. ‘It is not in vain,’ he says, ‘that God discards one word in preference for another.’ The occurrence, but also the absence or repetition, of a word, even the simplest of particles, cannot be called fortuitous when it is the Eternal Who is expressing Himself...This way of reading might be considered literal; but it is not at all unequivocal. The more it adheres to the sacred text, the richer the exegesis is in interpretations, provided nothing is excluded from what the divine grammar includes.⁴⁴⁷

⁴⁴⁵ Addas, *Voyage*, 124.

⁴⁴⁶ Ibn ‘Arabī, *Futūḥāt*, 1:471-2.

⁴⁴⁷ Addas, *Voyage*, 122-3.

The reason that rigorous adherence to the text produces a richer exegesis is because, for Ibn ‘Arabī, God is fully aware of all the meanings that the words He chose may carry, and therefore any possible interpretation of those words, provided they are fully in line with correct linguistic and grammatical understanding, must be correct in the sight of God. As Winkel stressed, however, in the case of the Qur’ān this refers to the Arabic language as it used to be understood ‘before and during the period of the Qur’an’s descent, so that a word in the Qur’ān means *only* what it meant to the people who were the revelation’s first audience.’⁴⁴⁸ Ibn ‘Arabī wrote,

As far as the Word of God is concerned, when it is revealed in the language of a certain people, and when those who speak this language differ as to what God meant by a certain word or group of words due to the variety of possible meanings of the words, each of them - however different their interpretations may be - effectively comprises what God meant, provided that the interpretation does not deviate from the accepted meanings of the language in question. God knows all these meanings, and there is none that is not the expression of what He meant to say to this specific person. But if the individual in question deviates from accepted meanings in the language, then neither understanding nor knowledge has been revealed.⁴⁴⁹

For Ibn ‘Arabī, the key is to be able to know all the different meanings (or faces) of the divine Word. He who possesses this knowledge is he who has been given ‘wisdom and decisive speech’ (Q 38:20), meaning that they have the ‘faculty of distinguishing among all these faces.’⁴⁵⁰ Rigorous fidelity to the letter, then, ‘does not exclude but, on the contrary, it implies a multiplicity of interpretations.’⁴⁵¹ Winkel reiterates,

⁴⁴⁸ Winkel, *Mysteries*, 3.

⁴⁴⁹ Ibn ‘Arabī, *Futūḥāt*, 4:25, as quoted by Chodkiewicz in *Ocean*, 30.

⁴⁵⁰ Ibn ‘Arabī, *Futūḥāt*, 4:25, as quoted by Chodkiewicz in *Ocean*, 30.

⁴⁵¹ Chodkiewicz, *Ocean*, 30.

The consequence of closer readings of the revelation, of more grammatically aware and precise readings, of increased attention to the tiniest details of the revelation in its original language is, ironically, a discovery of a polysemantic and multifaceted text.⁴⁵²

In the chapter which he titled ‘The Polysemantic Qur’ān’ in his book on Ibn ‘Arabī’s approach to the Law, Winkel made a detailed study of a case of jurisprudence where Ibn ‘Arabī’s approach led him to accept more than one possible answer based on the Qur’ānic text. For the verse detailing the acts of ritual ablution (Q 5:6), Winkel showed how scholars understood the last part of the verse to either mean that feet are to be wiped or washed during ablutions. These understandings were based on different canonical recitations of the Qur’ān and different grammatical understandings of each of the different recitations. While the majority of scholars either defended the wiping or the washing position, Dāwūd al-Ẓāhirī and al-Ṭabarī (d. 310/923) took the position that both understandings were equally valid and that either choice would therefore fulfil the requirement.⁴⁵³ This was also the position of Ibn ‘Arabī.⁴⁵⁴ It should be added here that this approach is based on the Ẓāhirī principle which states, ‘If a word occurs equally with two or more meanings in the language it is not permissible to restrict it to one meaning except on the basis of a text or consensus.’⁴⁵⁵ However, it is likely that in practice this principle was not applied by the Ẓāhirīs as often as Ibn ‘Arabī may have applied it. For example, though Dāwūd reportedly accepted choice in this matter, Ibn Ḥazm argued that grammar only allowed for one understanding of the verse in question, which was wiping, but that an authentic tradition came to abrogate that and make

⁴⁵² Winkel, *Living Law*, 65.

⁴⁵³ Ibn Rushd, *Bidāya*, 1:22. Winkel’s text contains a contradiction on the position of Dāwūd. At one point he attributes to him the position of choice between wiping and washing, and at another point he attributes to him the opposite position of the necessity of combining both (see Winkel, *Living Law*, 70, 79). This is probably due to Winkel’s use of different sources. Ibn Rushd’s text, which as I have shown was Ibn ‘Arabī’s source for the different positions, understood Dāwūd’s position to be of choice, whereas al-Rāzī, whose *tafsīr* Winkel also used, understood Dāwūd’s position to be the combination of both.

⁴⁵⁴ Winkel, *Living Law*, 79.

⁴⁵⁵ Ibn Ḥazm, *al-Nubdha*, 23. I used the translation in Sabra, ‘Ibn Ḥazm’s Literalism,’ part 2, 312.

washing obligatory instead.⁴⁵⁶ Ibn Ḥazm's use of this interpretive principle in the *Muḥallā* suggests that it was part of the calculation of how many particulars an injunction applied to, but did not produce a choice in how an injunction is applied. For example, regarding the tradition that states that there is no alms-tax on anything that is 'dūn' five *awsuq* (a measure) of dates and *ḥabb* (wheat and barley), Ibn Ḥazm argued that the word 'dūn' meant both 'less than' and 'other than.' He agreed therefore with the general understanding that the alms-tax was not obligatory on agricultural produce of less than five *awsuq*, but also added another meaning which is that the alms-tax was not obligatory on any agricultural produce other than dates, barley and wheat.⁴⁵⁷ Thus Ibn Ḥazm used this principle to reduce or extend the number of particulars covered by injunctions, but does not seem to have used it to accept the possibility of choice in any matter.⁴⁵⁸ This is also confirmed by Ibn Dāwūd's rejection of the possibility that two *mujtahids* who arrived at different opinions could both be correct at the same time.⁴⁵⁹

Furthermore, this approach of Ibn 'Arabī did not seem to apply only to the scholars. He seemed to suggest that anyone reading the Qur'ān, as long as he understands an utterance in it according to a meaning carried by that utterance, and known to the people of that language to be associated with that utterance, then he is a true exegete; however, he who explains an utterance of the Qur'ān based on his own opinion, by which he meant a meaning for that utterance unknown to the people of that language and not associated by them with that meaning, has committed an act of disbelief. That is because the Qur'ān is an ocean without shore, and God knew all the possible meanings of every utterance He revealed, and He knew that His servants had different capabilities of understanding those utterances, and therefore only tasked them with what they could understand from His address. Whenever someone understood a

⁴⁵⁶ Ibn Ḥazm, *al-Muḥallā*, 2:39-40.

⁴⁵⁷ Ibn Ḥazm, *al-Muḥallā*, 4:25.

⁴⁵⁸ For a different example on the meaning of 'muḥṣan' women see *al-Iḥkām*, 3:129.

⁴⁵⁹ See the passage from Ibn Dāwūd's *al-Wuṣūl* in Stewart, 'Muḥammad b. Dā'ūd,' 157.

verse to mean something, then that meaning is what was intended by this verse for that person who found this meaning. This, however, applied only to the Qur'ān and other revealed texts in which God, as the speaker, was aware of all the possible meanings of His speech.⁴⁶⁰

4.2.4 Everything is in the Qur'ān

According to Ibn 'Arabī, the Qur'ān contained within it the answer to everything, and that for him was another reason why the use of analogy was not needed. One of the classic examples used to demonstrate analogy is the verse prohibiting people from uttering the slightest expression of displeasure at their parents or to rebuke them, and to speak to them with respect instead (17:23). Jurists used this verse as a prime example of where analogy is used, particularly the *a priori* type of analogy, to reach the conclusion that one may not do something worse, such as hitting their parents.⁴⁶¹ Ibn 'Arabī, however, argued that recourse to analogy is not needed for anyone possessing understanding (*fiqh*) in the religion, because the very same verse of the Qur'ān also instructs the believers to treat their parents with kindness. Those with understanding know that this general instruction of treating parents with kindness inherently contains within it the prohibition of hitting them, and therefore they do not need to make an analogy between hitting and disrespectful speech. The religion has been completed and everything is in the Qur'ān and Sunna, sometimes in the form of general instructions (*mujmal*) from which specific teachings can be extracted.⁴⁶²

⁴⁶⁰ Ibn 'Arabī, *Futūḥāt*, 2:567. By revealed texts he meant other scriptures and *khavar ilāhī*, also known as *ḥadīth qudsī*.

⁴⁶¹ See Kamali, *Principles*, 284-5.

⁴⁶² Ibn 'Arabī, *Futūḥāt* 1:371.

4.3 How Much Did Ibn ‘Arabī Take from al-Tirmidhī in *Fiqh*?

Ibn ‘Arabī was an independent thinker, as he very proudly repeated again and again in poetic form. He claimed that he, al-Tirmidhī before him, and those like them, took the law from the Lawgiver, and not from anyone else, though for Ibn ‘Arabī this was qualified as applying to a great deal of matters and not the entirety of the Law. We have seen how his approach to comparative *fiqh* did not have a precedent except in the works of al-Tirmidhī before him. However, is this in itself evidence that Ibn ‘Arabī took this approach from al-Tirmidhī, or borrowed anything from his works that dealt with jurisprudence?

We know how far Ibn ‘Arabī was influenced by al-Tirmidhī’s *Khatm al-awliyā’* and we can safely assume that he had access to the popular *Nawādir al-uṣūl*, al-Tirmidhī’s largest work. We also know that Ibn ‘Arabī took from this work a supplication to be recited at the end of every prayer.⁴⁶³ This supplication, which we will return to later (Chapter Six: Section 6.2.1) is not found in any of the known *ḥadīth* collections except this work.⁴⁶⁴ One evidence of Ibn ‘Arabī’s study of his works is in the following statement from Ibn ‘Arabī’s response to al-Tirmidhī’s questionnaire, ‘[Al-Tirmidhī] had originally been a follower of the Ḥanafī school until he came to know the Law (directly) from the Lawgiver.’⁴⁶⁵ The first half of this statement shows a general knowledge of al-Tirmidhī’s biography, which is better than Tāj al-Dīn al-Subkī (d. 771/1370) for example who counted him among the Shāfi‘īs.⁴⁶⁶ The second part of the statement indicates a study of al-Tirmidhī’s *fiqh* positions, based on which Ibn ‘Arabī could conclude that al-Tirmidhī ceased to follow the school of Abū Ḥanīfa, or any other school for that matter. Another example from the *Futūḥāt* is Ibn ‘Arabī’s discussion on

⁴⁶³ Ibn ‘Arabī, *Futūḥāt*, 4: 497.

⁴⁶⁴ Al-Tirmidhī, *Nawādir*, 3:267.

⁴⁶⁵ Ibn ‘Arabī, *Futūḥāt*, 2:115.

⁴⁶⁶ Al-Subkī, *Ṭabaqāt al-shāfi‘iyya*, 2:245-6.

the prostrations of forgetfulness (*sujūd al-sahw*) which is done at the end of the prayer to make up for having done a mistake out of forgetfulness in the prayer. Ibn ‘Arabī wrote,

It is recommended (*yustaḥabb*) for every worshipper to perform the two prostrations of forgetfulness after every prayer, for mankind will almost always be absent minded, if even for a single moment, that he is in his prayer... that is the position (*madhhab*) of al-Ḥakīm al-Tirmidhī.⁴⁶⁷

Al-Tirmidhī discussed the benefit of this practice in one of his smallest works, *Kitāb al-iḥtiyāṭāt*, where he attributed this practice to the Prophet’s young cousin Ibn ‘Abbās; it is a work that dealt with simple practices to be done every day.⁴⁶⁸ This tells us that Ibn ‘Arabī had access to many of al-Tirmidhī’s works, even this small one which was certainly not one of his more famous or important works, and that he was concerned with benefitting from him even on small matters of practice.

It is unlikely for a manuscript as small as *Kitāb al-iḥtiyāṭāt* to have reached Ibn ‘Arabī on its own, and it very likely reached him among a collection of al-Tirmidhī’s works. This *Kitāb al-iḥtiyāṭāt*, for example, is found in a collection of al-Tirmidhī’s works by a Cordoban scholar who died in Aleppo in 544/1149,⁴⁶⁹ and included other works like *al-Manhiyyāt*, *al-Ṣalātu wa-maqāṣiduhā*, *al-Ḥajj wa-asrāruh*, and most importantly *al-Furūq*, which the copyist described as al-Tirmidhī’s ‘greatest work.’⁴⁷⁰ We do know that al-Tirmidhī’s works were available and well-received in Syria during the time he stayed there. For example, a Syrian contemporary of Ibn ‘Arabī who died in Aleppo in the first half of the 7th/13th century (and therefore the same period in which

⁴⁶⁷ Ibn ‘Arabī, *Futūḥāt*, 1:485.

⁴⁶⁸ Al-Tirmidhī, *Al-iḥtiyāṭāt*, 76.

⁴⁶⁹ ‘Alī ibn Sulaymān al-Shāqūrī (d. 544/1150). This Shāfi‘ī jurist and a traditionist was invited to teach in Aleppo and spent his last years there teaching in the Ibn al-‘Ajamī Madrasa. He copied for himself a collection of twelve works of al-Tirmidhī. See the editor’s introduction to al-Tirmidhī, *al-iḥtiyāṭāt*, 54-7).

⁴⁷⁰ See the description of the manuscript of *al-iḥtiyāṭāt* in al-Tirmidhī, *al-iḥtiyāṭāt*, 54.

Ibn ‘Arabī died in Damascus), was a well-known copyist of al-Tirmidhī’s works. Hibatullāh ibn Abī Jarād was a scholar who was born into a family of religious judges, and having declined the post himself, became a preacher at Aleppo’s main mosque. He was known as a pious ascetic but became famous for his calligraphy and manuscript copying. According to his contemporary historian Yāqūt al-Ḥamawī (d. 626/1299), ‘He was wholly consumed by the love of the works of Abū ‘Abdallāh Muḥammad ibn ‘Alī al-Ḥakīm al-Tirmidhī. He collected most of his works and wrote some of them with his handwriting.’ Ibn Abī Jarād copied several collections of al-Tirmidhī’s writings, which are now in different manuscript collections in the world’s libraries, and made individual copies of *al-Furūq* in which al-Tirmidhī made his most sustained and detailed critique of analogical reasoning.⁴⁷¹

In al-Tirmidhī’s works, at least those that have been printed and to which we have had access, he usually limited himself to discussing matters of jurisprudence that are at the core of the acts of worship and about which there was no disagreement. Ibn ‘Arabī, therefore, would not have found many juristic opinions to take from him. A comparison between what we do know of al-Tirmidhī’s opinions on disputed matters, and those of Ibn ‘Arabī, shows a match in all but one matter. For example, al-Tirmidhī in his earlier works strongly rebuked those who allow the beginning of prayer with anything but the phrase ‘*Allāhu akbar*,’ though in his later work *Ithbāt al-‘ilal* seemed to suggest that in the end it is acceptable, but that the other opinion is better.⁴⁷² Similarly, Ibn ‘Arabī criticised this opinion at length saying that it entailed going against the Sunna of the Prophet, however he all but rejected the opinion outright, simply concluding that ‘our *madhhab* is that following the Sunna is better.’⁴⁷³ Surprisingly, Ibn Ḥazm on this issue listed several possible substitutes for ‘*Allāhu akbar*,’ attributing this position not only to Abū Ḥanīfa but also to al-Shāfi‘ī and to

⁴⁷¹ Al-Juyūshī (ed.) in al-Tirmidhī, *al-Furūq*, 52-3.

⁴⁷² As discussed in the section on al-Tirmidhī.

⁴⁷³ Ibn ‘Arabī, *Futūḥāt*, 1 :412.

Dāwūd al-Zāhirī (and therefore the Zāhirī school).⁴⁷⁴ On the matter of the one being led in prayer reciting the Qur'ān silently, they both preferred that the Fātiḥa and another portion of the Qur'ān is recited, which goes against the Ḥanafī opinion that nothing at all is to be recited behind an imam in any prayer, and the Zāhirī school which only allowed the recitation of the Fātiḥa for the one being led in prayer.⁴⁷⁵ On the sitting (*jalsa*) in the middle of a four-cycle prayer, both agreed that it was not an obligatory part of the prayer and gave similar reasons as to why it was placed there,⁴⁷⁶ and likewise they both agreed that only one set of circumambulations around the Ka'ba was obligatory in Ḥajj, the other two being *sunna*.⁴⁷⁷ The only difference we know of on a jurisprudential matter is on what substances break one's state of ritual purification if they come out of the body. The Ḥanafī school argued that what mattered was the substance only, and not how it came out or from where, whereas the Mālikīs argued that all three (the substance, the way it came out, and where it came out from) must be taken into consideration; other schools had positions in between.⁴⁷⁸ Al-Tirmidhī stated that the school of the Kūfans (the Ḥanafī school) was 'more befitting,'⁴⁷⁹ whereas Ibn 'Arabī's position coincided with that of the Mālikīs.⁴⁸⁰ It is true that this is the very same discussion by al-Tirmidhī which we have stated showed all the hallmarks of Ibn 'Arabī's thought, but this is not evidence that Ibn 'Arabī did not in fact read this passage. It is very possible for Ibn 'Arabī to have been influenced by al-Tirmidhī's approach in this passage, without following him in the results, especially since al-Tirmidhī himself believed that both positions were based on inspired knowledge. Ibn

⁴⁷⁴ Ibn Ḥazm, *al-Muḥallā*, 2:263. In fact al-Shāfi'ī only accepted one alternative to 'Allāhu akbar,' which is 'Allāh huwa l-akbar.'

⁴⁷⁵ Al-Tirmidhī, *Ithbāt al-ʿilal*, 102; Ibn 'Arabī, *Futūḥāt*, 1:413, 420; 3:173; Ibn Ḥazm, *al-Muḥallā*, 2:266-7.

⁴⁷⁶ Al-Tirmidhī, *al-Furūq*, 382-4; Ibn 'Arabī, *Futūḥāt*, 1:438-9.

⁴⁷⁷ Al-Tirmidhī, *al-Furūq*, 382-4; Ibn 'Arabī, *Futūḥāt*, 1:708.

⁴⁷⁸ Ibn Rushd, *Bidāya*, 1:40.

⁴⁷⁹ Al-Tirmidhī, *Ithbāt al-ʿilal*, 87.

⁴⁸⁰ Ibn 'Arabī, *Futūḥāt*, 1:354.

‘Arabī certainly venerated Ibn Ḥazm for being a great *muḥaddith* (with an i), and took many principles from him because of his *ḥadīth*-based approach, but also disagreed with him on many others. Similarly, Ibn ‘Arabī no doubt venerated al-Tirmidhī even more than Ibn Ḥazm for being a great *muḥaddath* (with an a), yet he would have no problem disagreeing with him or showing his independence of thought, as he did not believe that the *muḥaddathūn* received the answer to every question in the way he (i.e. Ibn ‘Arabī) described. We must remember that Ibn ‘Arabī had also attributed all the varying opinions of the four imams to the descent of inspiration into their hearts in the Station of Proximity, and yet ultimately believed that one position was preferable to the others.

Ibn ‘Arabī’s explanations of the ‘crossover to the inward’ on the vast majority - if not all - of the matters he discussed, were on a far ‘higher’ level than al-Tirmidhī’s explanations. Al-Tirmidhī’s inspiration-based explanations were usually simple, Ibn ‘Arabī’s were often very difficult to understand. Al-Sha‘rānī would later do the same with Ibn ‘Arabī: he took from him the same approach, but his explanations were on a far simpler level than those of Ibn ‘Arabī, and he stated that he kept it on a ‘simple level’ on purpose, indicating that he could have given different explanations based on a higher level of realities. The scholars took from each other’s approach, but their applications differed based on their different mindsets, intellectual capabilities, or intended audience. The fact that they took from each other, however, remains certain.⁴⁸¹

4.4 Ibn ‘Arabī and the Law: A Summary

Having discussed the most relevant parts of Ibn ‘Arabī’s theory, especially those that show the influence of al-Tirmidhī and Ibn Ḥazm and those that will influence al-Sha‘rānī, Ibn Idrīs and other figures as we will soon show, we will now summarise the general principles of Ibn ‘Arabī’s approach to the Law.

⁴⁸¹ The question remains whether or not Ibn ‘Arabī had studied this particular work of al-Tirmidhī, *Ithbāt al-‘ilal*, but I believe that he must have, based on the undeniable similarity in approach, and because it is usually believed to be the other main work, beside *Khatm al-awliyā’*, that got al-Tirmidhī in trouble, and would have therefore been of prime interest for Ibn ‘Arabī to read.

- 1) The Main sources of the law are the Book, the Sunna, and the Consensus of the Prophet's Companions only, the latter being indicative of a Sunna known to them, as all jurists agreed. The consensus of later scholars was not accepted by Ibn 'Arabī.⁴⁸²
- 2) *Ijtihād* is the inward spiritual preparation that allows one to receive the correct answer from the Prophet. Text-based *ijtihād* is to find the answer to a problem inside the Qur'ān, Sunna, and Consensus of the Companions. The answer to every problem can be found in these sources, and there is no need for recourse to reasoning, analogy, deduction, *istihsān*, or any other form of *ijtihād*.
- 3) The original value judgement of God for any issue on which God and His Messenger remained silent is divine pardon, meaning that they have the status of no-judgement, to be treated as if they are permissible.
- 4) The Lawgiver has approved of the *ijtihād* of every *mujtahid*. However, its result is only binding on the *mujtahid* himself. One of the main issues on which scholars did *ijtihād* was on the principle of whether or not analogy may be used. Therefore, both the users of analogy and those who reject it are correct, but the true answer in the sight of God is the rejection of analogy.
- 5) In the differences of scholars there is a mercy, providing Muslims with more options. This mercy must not be restricted by the demand upon Muslims to remain within the boundaries of a single school. The Akbarī *madhhab* embraces all *madhhabs*, and gives a justification for each opinion based on its inward secret, its crossover to the interior of man. Claud Addas succinctly summarised Ibn 'Arabī's position: 'As soon as the Divine Law leaves the field open to a number of solutions, none of these, and certainly not the easiest, has a right to be discarded, "God imposes upon a soul only that which it can bear" (Q 2:286); Divine Law is strict, but it is not rigid.'⁴⁸³

⁴⁸² On Ibn 'Arabī's discussions of Consensus see *Futūḥāt*, 1:333, 726; 2:162, 164; 4: 75.

⁴⁸³ Addas, *Voyage*, 123-4.

4.4.1 Did Ibn ‘Arabī Have His Own *Madhhab*?

Ibn ‘Arabī provided a list of his own preferences in terms of principles of jurisprudence in Chapter 88 of his *Futūḥāt*: ‘On Knowing the Secrets of the Principles of the Law’s Judgements.’⁴⁸⁴ In it he covered his preferences on the major principles of jurisprudence, covering the following topics:

- 1) The sources themselves
- 2) Consensus
- 3) The rules of interpreting the sources
- 4) Conflicts of evidence
- 5) How to understand commands, prohibitions, and the actions of the Prophet (i.e. what is their value judgement)
- 6) Abrogation
- 7) Analogy
- 8) The authority of a Companion’s fatwā⁴⁸⁵
- 9) The revealed laws of previous nations
- 10) *Ijtihād* and *taqlīd* for scholars and for the layperson
- 11) Value Judgements⁴⁸⁶
- 12) Seeking easier options and moving between schools

⁴⁸⁴ Ibn ‘Arabī, *Futūḥāt* 2:162-5.

⁴⁸⁵ Legal theoreticians discuss as part of the principles of the law, the amount of weight that is carried by a Companion’s fatwā. Ibn ‘Arabī discussed one half of that problem: the scenario of a contradiction between a Qur’ānic verse or an authentic *ḥadīth* on one hand, and the fatwā of a Companion on the other. The other half of the problem, however, no longer existed in his theory: in the absence of a text from the Qur’ān or Sunna, does the fatwā of a single Companion carry more weight or the opinion of a later imam of a school? Ibn ‘Arabī did not answer this question, but, by the principles of his jurisprudence, he did not need to because there was no need for an answer on something that the two main sources remained silent about. As for those who believed otherwise, then their *ijtihād* on the weight of a Companion’s fatwā would be correct for themselves, and likewise would be the end result of their *ijtihād* of course!

⁴⁸⁶ Here Ibn ‘Arabī covers some matters relating to the states of those addressed by the value judgements or divine rules (*the maḥkūm fīh*) and their legal capacity (*ahliyya*), as well as the time delineated by the Lawgiver for each act. (Cf. Kamali, *Principles*, 445-453).

All of these matters he discussed in several places throughout the *Futūḥāt*, adding further detail. It could be said therefore that Ibn ‘Arabī had his own complete set of principles, a full *madhhab*. As with the case of Ibn Ḥazm and the Zāhirīs in general, it remains questionable whether one could say they had a *madhhab* in the sense of a school. It might be more accurate to call the principles of Zāhirism a methodology, because the *ahl al-zāhir* also rejected *taqlīd* and considered themselves to be independent *mujtahids*.⁴⁸⁷ Ibn ‘Arabī could be considered an independent or even original Zāhirī in that he made changes to the list of principles espoused by Ibn Ḥazm. However, since he disagreed with the Zāhirī school on their main philosophy of the law, and only made use of their texts so far as what they contained agreed with his own theory and aims, it would be more accurate to say that he had his own independent method which benefitted greatly from the Zāhirī school. If, however, we can establish that there were subsequent scholars who were influenced by Ibn ‘Arabī, who accepted all his principles and worshiped according to his preferences, then we would be justified in saying that there was an Akbarī school, even if it had small numbers of followers. Our prime example for this will be the Sufī shaykh and revivalist scholar Aḥmad ibn Idrīs and the movements that were influenced by his teachings (Chapter Six).

4.5 Ibn ‘Arabī’s Influence on al-Suyūṭī

As the roots of Ibn ‘Arabī’s jurisprudential thought had not been previously fully investigated, the influence of his jurisprudential thought has not been studied at all. It is beyond the scope of this study to look at all the important figures whose legal thought might have been influenced by Ibn ‘Arabī. However, one figure deserves mention because he was also a teacher of al-Sha‘rānī who will be the subject of the next chapter:

⁴⁸⁷ See Sabra, ‘Ibn Ḥazm’s Literalism,’ part 1, 22; Abū Zahra, *Ibn Ḥazm*, 242. As Abū Zahra noted, the Zāhirīs did not consider themselves to be followers of a *madhhab*. This is certainly true with regards to Ibn Ḥazm whose expressions about the *ahl-zāhir* and what they had in common and what they did not all have in common gave the sense of a group of scholars who agreed on certain basic principles.

the self-proclaimed 'Reviver of the Tenth Century,' Jalāl al-Dīn al-Suyūṭī (d. 911/1505).⁴⁸⁸ This polymath whose works numbered in the range of five hundred, and who left classic works in several different fields, wrote a defence of Ibn 'Arabī called *Tanbī'at al-ghabī fī tabri'at Ibn al-'Arabī* (*Alerting the Dimwitted Concerning Ibn 'Arabī's Vindication*). Al-Suyūṭī also received an authorisation in the devotional litany of Ibn 'Arabī known as *al-Dawr al-a'lā*, through a chain of scholars going back to Ibn 'Arabī himself. Al-Suyūṭī passed on this litany with its authorisation to other scholars, until it reached 'Abd al-Ghanī al-Nābulī, one of the most devoted exponents of Ibn 'Arabī's teachings.⁴⁸⁹

Al-Suyūṭī wrote a small treatise called *Tanwīr al-ḥalak*, in which he defended the possibility of waking visions of the Prophet. Although this idea certainly existed before Ibn 'Arabī, he may have been the first to speak of it at length in his *Futūḥāt*.⁴⁹⁰ More significantly, al-Suyūṭī claimed, privately to his innermost circle, that he regularly studied traditions with the Prophet in the waking. Al-Sha'rānī wrote in his *al-Mīzān al-kubrā*, 'I saw in Shaykh Jalāl al-Dīn al-Suyūṭī's own handwriting a letter preserved with his companion Shaykh 'Abd al-Qādir al-Shādhilī, to someone who had asked his intercession with Sultan Qaytbay. Its text is as follows:

Know my brother that I have been united with the Messenger of God (peace be upon him) until now, seventy-five times in which I both saw him and spoke to him, in a waking state. And if it were not for my fear that I will be veiled from him - peace be upon him - if I approached the rulers, I would have entered the Citadel and interceded for you with the Sultan. But I am a man among the servants of his *ḥadīth* - peace be upon him - and I need him to show me which of

⁴⁸⁸ This claim was approved by several later scholars such as Mulla 'Alī al-Qārī in *Mirqāt al-mafātīḥ*, 1:321.

⁴⁸⁹ See the study by Tajī-Farouki in Ibn 'Arabī, *A Prayer*, 20-1, 27. On al-Nābulī's devotion to Ibn 'Arabī see *idem*, 36.

⁴⁹⁰ Likewise, Mark Sedgwick, in his study of the *ṭarīqa muḥammadiyya* movements which emphasised the importance of such visions and stressed their importance as a goal on the spiritual path, began with Ibn 'Arabī as the first to fully develop and formalise pre-existing views about the Prophet such as this (Sedgwick, *Saints & Sons*, 29).

the traditions that the traditionists, using their methodology, have deemed to have a weak chain of transmission are actually authentic. That is undoubtedly of greater benefit than assisting you, my brother.’⁴⁹¹

This idea of asking the Prophet in waking visions about the authenticity of traditions attributed to him is of course first found, and repeated often, in the *Futūḥāt* as we have shown. The same companion of al-Suyūṭī, ‘Abd al-Qādir al-Shādhilī, wrote a larger treatise called *al-Kawākib al-zāhira*, which started with the same subject of waking visions of the Prophet and continued to cover perhaps every major issue that was debated about Sufism.⁴⁹² This claim by al-Suyūṭī is highly significant considering his importance in the field of traditions: his popular *ḥadīth* collection *al-Jāmi’ al-ṣaghīr* and his *Alfiyya* poem on *ḥadīth* sciences are alone sufficient to show his lasting influence.⁴⁹³ Furthermore, al-Suyūṭī claimed to be a full *mujtahid*, and authored a book defending the existence of *ijtihād* and rejecting the idea that there were no *mujtahids* left.⁴⁹⁴ It need not be stated of course, based on what we saw of Ibn ‘Arabī’s treatment

⁴⁹¹ Al-Sha‘rānī, *al-Mizān al-kubrā*, 1:55.

⁴⁹² See in the bibliography under ‘Abd al-Qādir ibn Mughayzil al-Shādhilī.

⁴⁹³ Al-Suyūṭī’s written output is astonishing. Among them are: *al-Jāmi’ al-kabīr* (aka *Jam‘ al-jawāmi’*), a great collection gathering together 80,000 prophetic traditions. It is believed that he intended to collect in it all the different traditions scattered in all the different collection; *al-Jāmi’ al-ṣaghīr*, a choice selection of 10,031 traditions from the *Jāmi’ al-kabīr*, to which he later added another 4496 in *al-Ziyāda* (The Addition); *al-Durr al-manthūr*, the most comprehensive work of *ḥadīth*-based *tafsīr* of the Qur’ān, and which Mulla ‘Ali al-Qārī described as having revived the science of *ḥadīth*-based *tafsīr*; the *Alfiyya*, a 1000-line poem on the science of *ḥadīth*; a commentary on the *Muwatta’* of Imam Mālik; a commentary on *Ṣaḥīḥ Muslim*; a commentary on *Sunan Ibn Māja*; a commentary on *Sunan al-Nasā’ī*; a grammatical analysis of traditions in the *Musnad* of Aḥmad ibn Ḥanbal; a work on the narrators in the chains of the *Muwatta’*; a work on fabricated traditions; and a work on the occasions behind the different traditions.

⁴⁹⁴ Al-Suyūṭī differentiated between being a fully independent *mujtahid* and achieving the rank of an absolute *mujtahid*. He claimed for himself the rank of absolute *ijtihād* (*al-ijtihād al-muṭlaq*) but denied that he was independent (*mustaqill*). This meant that he did not have his own set of principles, but that he was convinced by the principles and methodology of al-Shāfi‘ī and followed him in applying them. See al-Suyūṭī, *al-Radd*, 112-3, 116. See also Hallaq, ‘Gate of Ijtihād,’ 27-8. Al-Sha‘rānī defended al-Suyūṭī’s claims to *ijtihād* at length in the biography he wrote of him in *al-Tabaqat al-ṣughra*, following it with a discussion on his miraculous waking visions of the Prophet (*al-Tabaqat al-sughra*, 17-27. See also Sartain’s study, *Jalāl al-Dīn al-Suyūṭī*).

of *ijtihād* and *qiyās*, that Ibn ‘Arabī did not believe that the era of *ijtihād* was over either. He had written in the *Futūḥāt*,

[The jurists] believe that the age of the people of *ijtihād* has ended and that there is no *mujtahid* left on the earth, and that God will never bring into existence someone with the rank of *ijtihād* after the imams. As for him who claims Divine inspiration of the legal judgements, they consider him to be a madman with a corrupt imagination.⁴⁹⁵

Al-Suyūṭī also wrote a treatise on a tradition of central importance to Ibn ‘Arabī, ‘He who knows himself knows his Lord,’⁴⁹⁶ which he concluded with the explanation of Ibn ‘Arabī’s most famous disciple al-Qūnawī.⁴⁹⁷ It is clear that many of al-Suyūṭī’s treatises were centred around very prominent themes in the teachings of Ibn ‘Arabī, but we cannot be certain that al-Suyūṭī’s work on *ijtihād*, for example, was inspired by Ibn ‘Arabī. Other than his treatise in defence of Ibn ‘Arabī, it is understandable that al-Suyūṭī would not quote the highly controversial figure.

Al-Sha‘rānī met al-Suyūṭī when he first moved to Cairo, and recited traditions to him to gain an authorisation from him. One month later, he attended his funeral. He was thus able to count al-Suyūṭī as one of his teachers, one whose works he studied carefully.⁴⁹⁸ This now brings us to ‘Abd al-Wahhāb al-Sha‘rānī himself, perhaps the greatest figure in spreading and popularising the teachings of Ibn ‘Arabī, at least in the Arab world.

⁴⁹⁵ Ibn ‘Arabī, *Futūḥāt*, 3:336.

⁴⁹⁶ Chittick, *Sufi Path of Knowledge*, 344-6.

⁴⁹⁷ Al-Suyūṭī, *al-Ḥāwī*, 2:291.

⁴⁹⁸ See the biography in *al-Ṭabaqāt al-ṣuḡhrā*; it is the first biography in the book. In it he writes, ‘I saw the shaykh [al-Suyūṭī] once (in a dream vision) with many keys. He gave them to me and said, “these are the keys to all my knowledges so take them”’ (*al-Ṭabaqāt al-ṣuḡhrā*, 27). This indicates to us that al-Sha‘rānī would have studied his works in depth. In fact, in *Latā’if al-minan*, al-Sha‘rānī mentioned having read al-Suyūṭī’s *al-Durr al-manthūr*, his *ḥadīth*-based Qur’ānic exegesis which in modern prints takes up eight volumes, a full three times! (Al-Sha‘rānī, *Latā’if al-minan*, 85).

4.6 Conclusion

We have shown that Ibn ‘Arabī had his own unique approach to jurisprudence, which as an independent methodology could possibly be called the Akbarī *madhhab* as some have called it. Though it shared much with the Zāhirī school, and indeed benefited greatly from it, Ibn ‘Arabī’s approach could not truly be described as Zāhirī. Ibn ‘Arabī had his own reasons for adopting many of the key positions of the Zāhirī school that were very different from the reasons that led the Zāhirīs to adopt their own positions. Furthermore, the rejection of *qiyās*, one of the two main cornerstones of Zāhirī thought, was not unique to them and was also a key feature of the juristic thought of al-Ḥakīm al-Tirmidhī and other Sufis.

I have argued that it is in the differences between Ibn ‘Arabī and the Zāhirīs that the guiding principles behind their legal thought emerge. The Zāhirī legal methodology was built around the desire for certainty in every detail of the law. They rejected the use of rational tools like analogical reasoning, and rejected the possibility that the intellect could discover with certainty the *ratios* behind God’s injunctions. They also held that a *khavar al-wāḥid* tradition provided certainty. When two texts of equal strength contradicted each other and they did not know which one abrogated the other, they chose the tradition that they knew with certainty had at first been implemented by the fact that it went against free human norms.

Based on his concept of sainthood, Ibn ‘Arabī believed that certain knowledge was possible to the saints who are granted a divinely-inspired understanding of the Sharī‘a and also have the ability to verify the authenticity of prophetic traditions (Chapter Three, Section 3.3). Therefore he did not search for certainty in chains of transmission, and held that the *khavar al-wāḥid* did not provide certain knowledge. If two texts of equal strength contradicted each other and there was no way to know which one abrogated the other, his position was that the easier option should be chosen (Section 4.1.3). Ibn ‘Arabī’s discussions on analogical reasoning were not linked to the discoverability of *ratios*, the existence of which he did not deny. He rejected analogical

reasoning on the basis that it increased the number of commands and prohibitions that people had to follow. He did accept analogical reasoning on the condition that people were not forced to follow the results of this process (Section 4.2.2). Ibn ‘Arabī argued that the founders of the schools of law were divinely-inspired saints whose positions were all correct (Chapter Three, Section 3.1), that God gave his stamp of approval to the result of any *ijtihād* (4.2.2), and that the Qur’ān itself carried within its text a multiplicity of divinely-intended meanings, according to people’s different intellectual capacities (Section 4.2.3). Ibn ‘Arabī urged laymen to freely seek from all schools the positions that caused them the least hardship (Section 4.2.2). Therefore, Ibn ‘Arabī agreed with the *Zāhirīs* where their principles led to ease, which is the rejection of additions to the divinely-revealed commands and prohibitions and the rejection of confining laypeople to the opinions of a single school.

As for the principles in which Ibn ‘Arabī did adopt the *Zāhirī* stance, it was also because of his desire for ease for people, and his belief in God’s mercy. He rejected the idea that people had to follow the opinions of a single school of law. More importantly, he rejected analogical reasoning because God, with His mercy, had pardoned all that was not explicitly stated in the revealed sources. Adam Sabra showed that because *Zāhirism* restricted the scope of the *Sharī‘a* to that which is clearly stated in the revealed sources, it left people with ‘considerable latitude...Since God has not assigned a ruling to many things, human beings are free to choose.’⁴⁹⁹ He therefore concluded that there is an inherent ‘liberalism’ in the *Zāhirī* methodology.⁵⁰⁰ Camilla Adang has produced a number of studies of Ibn Ḥazm’s opinions on matters such as homosexuality,⁵⁰¹ women’s visibility in social and religious gatherings,⁵⁰² and interaction with non-Muslims,⁵⁰³ all of which show him to be less restrictive than his opponents from the

⁴⁹⁹ Sabra, ‘Ibn Ḥazm’s Literalism,’ Part 1, 20.

⁵⁰⁰ Sabra, ‘Ibn Ḥazm’s Literalism,’ Part 1, 23 n. 22.

⁵⁰¹ Adang, ‘Ibn Ḥazm on Homosexuality,’ 30.

⁵⁰² Adang, ‘Women’s Access to Public Space,’ 90.

⁵⁰³ Adang, ‘Ibn Ḥazm’s Critique,’ 2, 8.

other schools. Ibn ‘Arabī chose those principles of the Zāhirī school that preserved people’s right to act freely outside the limited set of divine prescriptions, and rejected those that placed certainty - which could be attained through sainthood - above leniency.

We can therefore say that the Akbarī legal system was primarily based on the desire for mercy for God’s servants, in keeping with Ibn ‘Arabī’s belief that he was the perfect inheritor of Muḥammad who was sent as a mercy to the worlds. This system combined elements of al-Tirmidhī’s concept of sainthood and Ibn Ḥazm’s Zāhirism. After having clarified the principles of Ibn ‘Arabī’s methodology and having investigated their origins, we will in the next two chapters study two examples of major figures who followed and applied Ibn ‘Arabī’s legal thought.

Chapter 5: Ibn ‘Arabī’s Influence on ‘Abd al-Wahhāb al-Sha‘rānī

‘Abd al-Wahhāb al-Sha‘rānī was a highly respected and successful author in his own lifetime and emerged as the most prominent Egyptian writer of the 16th century.⁵⁰⁴ His manuals on Sufism and his hagiographies of the saints are very popular in the Muslim world, and his works on the Sharī‘a came to play a central role in debates on *ijtihād* and revival in the 19th century, as we will see (Chapter Six, Section 6.6). A recent study by Leila Hudson found that al-Sha‘rānī’s works were the most widely disseminated books in late Ottoman Syria, the prints themselves coming from Cairo.⁵⁰⁵ Contemporary scholarship knows him first and foremost as a populariser of the works of Ibn ‘Arabī through a number of his works, especially *al-Kibrīt al-aḥmar*, a very concise abridgement of the *Futūḥat*, and *al-Yawāqīt wa-l-jawāhir*, a very large work that aimed to defend Ibn ‘Arabī’s orthodoxy by showing the compatibility of his theological dogma with that of Ash‘arī theologians.⁵⁰⁶ However, Ibn ‘Arabī’s influence pervades most of al-Sha‘rānī’s works, especially the two works on jurisprudence with which we are mainly concerned in this chapter: *Kashf al-ghumma ‘an jamī‘ al-umma* (*The Removal of the Fog from the Whole Community*) and *al-Mīzān al-kubrā* (*The Great Scale*).

Al-Mīzān al-kubrā is the most popular of al-Sha‘rānī’s works on jurisprudence, and possibly the most influential of all his works.⁵⁰⁷ In their recent studies on *al-Mīzān*,

⁵⁰⁴ Winter, *Egyptian Society*, 130, 162.

⁵⁰⁵ Hudson, ‘Reading al-Sha‘rānī,’ 45.

⁵⁰⁶ On this work see Johnson, ‘Unerring Balance,’ Parts 1 and 2.

⁵⁰⁷ Hudson, ‘Reading al-Sha‘rānī,’ 45. Hudson found that *al-Mīzān al-kubrā* was the most widely read of al-Sha‘rānī’s works in the period she studied in late Ottoman Damascus.

however, contemporary scholars, namely Samuela Pagani and Knut S. Vikør, have not appreciated the true extent of Ibn ‘Arabī’s influence and have instead named al-Sha‘rānī’s main teacher ‘Alī al-Khawwāṣ as the main source of the work’s ideas.⁵⁰⁸ Pagani held that al-Sha‘rānī’s earlier work, *Kashf al-ghumma* was more faithful to Ibn ‘Arabī’s teachings in that it separated the revealed law from the *ijtihād* of the scholars and the schools that emerged out of them, allowing the layperson to do without the latter. In his later work *al-Mīzān*, however, she argued that al-Sha‘rānī parted ways with Ibn ‘Arabī and aimed to re-establish the authority of the schools and to ‘bring Ibn ‘Arabī’s spiritual hermeneutics of the revelation into line with the “age of *taqlīd*,””⁵⁰⁹ In doing so, she was supporting the views of those contemporary scholars who held that *al-Mīzān* was a conservative work that was in line with the general Sunni view of the schools of law against those who saw the *Mīzān* as a reformist work aimed at unifying the schools.⁵¹⁰ Ahmed Fekry Ibrahim, in contrast, saw *al-Mīzān* as a radical departure from the views of his age, and interpreted it as a work that was ultimately aimed at supporting pragmatic eclecticism, that is, the ability of the layperson to treat the opinions of all the schools of law as correct and to simply choose opinions based on pragmatic reasons, crossing school boundaries as much as they wished. He agreed with Pagani on al-Sha‘rānī’s ‘valorisation of *taqlīd*,’⁵¹¹ but emphasised that this was not the standard *taqlīd* of the opinions of a single school of law in which there was a limited ability to cross school boundaries. Instead, he correctly showed that *taqlīd* here was simply the ability to follow the opinions of any of the scholars of the schools of law. Ibrahim also gave more weight to the influence of Ibn ‘Arabī’s teachings on the *Mīzān*. Ibrahim wrote,

⁵⁰⁸ Vikør, ‘Shaykh as Mujtahid,’ 364-5; Pagani, ‘Meaning of Ikhtilāf,’ 180.

⁵⁰⁹ Pagani, ‘Meaning of Ikhtilāf,’ 177, 203-8.

⁵¹⁰ Pagani, ‘Meaning of Ikhtilāf,’ 193-4.

⁵¹¹ Ibrahim, ‘Al-Sha‘rānī’s Response,’ 114.

[Al-Sha‘rānī’s] concern about the practice of laypeople echoes Ibn ‘Arabī’s brief condemnation, in *al-Futūḥāt al-Makkiyya*, of the purists’ rejection of pragmatic school boundary-crossing, which they regard as manipulation of religion. What al-Sha‘rānī does is develop Ibn ‘Arabī’s views into a theory of the function of legal pluralism.⁵¹²

However, Ibrahim explained *al-Mīzān* as being mainly driven by a rejection of Ottoman Ḥanafisation.⁵¹³ While this may have been a factor, I will argue that certain teachings of Ibn ‘Arabī were once again behind the authorship of the work.

This chapter will show that both *al-Mīzān* and *Kashf al-ghumma* reflected different aspects of Ibn ‘Arabī’s teaching. The first represented his rejection of analogical reasoning and scholar’s additions to the law, while the second reflected his approval of them, as long as they did not impose limitations upon the laypeople. The aim in each work, however, was the same: to preserve the mercy and ease that Ibn ‘Arabī and al-Sha‘rānī insisted was integral to the law. I will argue that al-Sha‘rānī found that both approaches, though they appear at odds with one another, achieved the same goals. I will further demonstrate that the extent of the influence of Ibn ‘Arabī’s ideas on *al-Mīzān* was far greater than has been pointed out in previous studies, partly because al-Sha‘rānī may not have wished to reveal the true extent of this borrowing in a work aimed at scholars of the law, many of whom may have been suspicious of Ibn ‘Arabī.

5.1 Al-Sha‘rānī’s Dedication to Ibn ‘Arabī

Al-Sha‘rānī was wholly and singularly dedicated to the writings of Ibn ‘Arabī. His study of the latter’s works, and his writings on him, began in his youth, and were to continue until the end of his life. In the year 965/1558, eight years before his death, al-Sha‘rānī wrote one of his most important works, *al-Ajwiba al-marḍiyya*, the full title of

⁵¹² Ibrahim, ‘al-Sha‘rānī’s Response,’ 132.

⁵¹³ Ibrahim, ‘al-Sha‘rānī’s Response,’ 139.

which means *The Satisfying Answers on Behalf of the Imams of Jurists and the Sufis*. He dedicated one of its ten chapters to a defence of the ‘Shaykh al-Akbar,’ while also quoting him heavily throughout the rest of the work. A year before that he had written the last of his works which focused purely on Ibn ‘Arabī, a treatise in his defence titled *al-qawl al-mubīn fi-l-radd ‘an al-shaykh Muḥyī al-Dīn* (*The Clear Speech in Defence of Shaykh Muḥyī al-Dīn*), in which he explained some of the more problematic statements in the *Futūḥāt*.⁵¹⁴ His other works include his abridgement of the *Futūḥāt* which he called *Lawāqih al-anwār* (*The Fecundating Lights*), and the more popular abridgement of the abridgement, *al-Kibrīt al-aḥmar* (*The Red Sulphur that Clarifies the Teachings of the Shaykh al-Akbar*).⁵¹⁵ He also wrote *al-Yawāqīt wa-l-jawāhir fī bayān ‘aqā’id al-akābir* (*The Rubies and Jewels that Clarify the Beliefs of the Great Saints*), which as we have said is a very large work dedicated to defending Ibn ‘Arabī’s creed;⁵¹⁶ and *Ṣawāṭi‘ al-anwār al-quḍsiyya* (*The Shining Pure Lights from the Beginnings of the Chapters of the Futūḥāt al-makkiyya*), a collection of the poetic lines with which Ibn ‘Arabī began the hundreds of chapters of his magnum opus.⁵¹⁷ Likewise he wrote a treatise on the different branches of knowledge that Ibn ‘Arabī revealed in his works, calling it *Tanbīh al-aghbiyā’ ‘alā qaṭratīn min baḥr ‘ulūm al-awliyā’* (*Alerting the Dimwitted to a Drop from the Ocean of the Knowledge of the Saints*).⁵¹⁸ Among al-Sha‘rānī’s works in which he relied most heavily on the *Futūḥāt* are two works of creed, the largest of which aimed to explain anthropomorphic descriptions of God in the Qur’ān using almost

⁵¹⁴ According to the work’s editor Muḥammad Naṣṣār, this was the last of al-Sha‘rānī’s works that were dedicated to Ibn ‘Arabī and which he wrote in 964/1557, nine years before his death.

⁵¹⁵ The original abridgement is being prepared for publication by Muḥammad Naṣṣār.

⁵¹⁶ He wrote *al-Yawāqīt wa-l-jawāhir* in 955/1548, nine years before *al-Qawl al-mubīn*.

⁵¹⁷ See the editor’s introduction to al-Sha‘rānī, *Al-Qawl al-mubīn*, 3, 7.

⁵¹⁸ Al-Sha‘rānī mentioned it in his introduction to *al-Kibrīt al-aḥmar*, 8.

exclusively passages from the *Futūḥat*, and the smaller work being one for which the *Futūḥāt* was one of its six main sources.⁵¹⁹ There are potentially several other works that relied almost exclusively on Ibn ‘Arabī’s works, and the writings of the Shaykh al-Akbar pervade the majority of al-Sha‘rānī’s writings. Once we look at some of his earlier writings concerning jurisprudence, we can understand that al-Sha‘rānī truly spent the majority of his life reading and rereading the *Futūḥāt* in order to extract the relevant quotes that he needed for his works on different topics. I will now come to the influence of Ibn ‘Arabī’s jurisprudential writings on those of al-Sha‘rānī and the close connection between them.

5.1.1 Ibn ‘Arabī and al-Sha‘rānī’s Works of Jurisprudence

Al-Sha‘rānī was a voracious reader, who listed an impressive list of the books that he studied under the great scholars of his age, and those that he read on his own, focusing in particular on those to do with Qur’ānic studies, prophetic traditions, and jurisprudence. He likewise had a passion for finding rare manuscripts and had a scholar who could help him locate what he sought from Cairo’s treasuries, boasting that he was able to find an ancient work of *tafsīr* that al-Suyūṭī before him had searched twenty years for, but was unable to find. His admirer and contemporary, Shihāb al-Dīn al-Ḥanbalī al-Futūḥī praised him as ‘someone who has read books whose names I am not even aware of’ and that, had he wished, he could have claimed as his own without anyone knowing otherwise.⁵²⁰ Al-Sha‘rānī would write comments and footnotes to the works that he read, or sometimes abridgements, and in the case of the ancient *tafsīr* work mentioned above, he extracted from it all its prophetic traditions in a separate

⁵¹⁹ The largest one is *al-Qawā‘id al-kashfiyya al-muwaddiḥa li-ma‘ānī al-ṣifāt al-ilāhiyya*, and the smaller one is *al-Mizān al-dharriyya al-mubayyina li-‘aqā‘id al-firqa al-‘aliyya*. This last work deserves attention by scholars, especially because one of its manuscripts indicates that it was regularly taught and explained by the Akbarī ‘Abd al-Ghanī al-Nābulī.

⁵²⁰ See Al-Sha‘rānī, *Latā‘if al-minan*, 82-91.

treatise to use in such works as *Kashf al-ghumma*.⁵²¹ More importantly for us, he also studied closely the works of Ibn ‘Arabī and Ibn Ḥazm from a legalistic point of view. Al-Sha‘rānī wrote that he studied Ibn Ḥazm’s entire *al-Muḥallā*, in ‘thirty massive volumes,’ three times, and its abridgement by Ibn ‘Arabī once.⁵²² We cannot know the number of times that he must have read Ibn ‘Arabī’s *Futūḥāt* (though it is undoubtedly a great number of times), but in his introduction to its minor abridgement *al-Kibrīt al-aḥmar*, he urged jurists to study the full *Futūḥāt* to discover in it ‘secrets concerning the ways of derivation [of the legal rules]’ and ‘sound *ratios* of which they were not previously aware.’⁵²³

Al-Sha‘rānī further developed his expertise in the sciences of jurisprudence and its principles through authorship. Among his works on jurisprudence he made a compendium of the fatwas of more than ten great scholars, most of whom were Shāfi‘ī, a copy of which he says was taken to West Africa.⁵²⁴ He also wrote an abridgement and study of the great *Mudawwana* in Mālikī *fiqh*, highlighting all the matters where Mālik disagreed with the rest of the imams.⁵²⁵ In the field of legal maxims (*al-qawā‘id al-fiqhiyya*) he made an abridgement of al-Zarkashī’s famed work on the subject, as well as a compendium of five books.⁵²⁶ In the field of *Uṣūl al-Fiqh* he wrote *Minhāj al-wuṣūl*, in which he abridged, combined, and commented upon two different

⁵²¹ Al-Sha‘rānī, *Kashf al-ghumma*, 1:7.

⁵²² Al-Sha‘rānī, *Laṭā‘if al-minan*, 82.

⁵²³ Al-Sha‘rānī, *al-Kibrīt al-aḥmar*, 5-6.

⁵²⁴ Al-Sha‘rānī, *Laṭā‘if al-minan*, 88.

⁵²⁵ Al-Sha‘rānī, *al-Mizān al-kubrā*, 1:72.

⁵²⁶ The compendium included the work of al-Zarkashī and two by Ibn ‘Abd al-Salām (see al-Sha‘rānī, *Laṭā‘if al-minan*, 88, 92).

commentaries on the classic *Jam‘ al-jawāmi‘* of Tāj al-Dīn al-Subkī (d. 771/1370).⁵²⁷ Al-Sha‘rānī also composed what he described as a very large discussing all the necessary sciences and tools that a *mujtahid* needed to extract rulings from the Qur’ān and Sunna.⁵²⁸ He likewise referred in his writings to a book dedicated to the question of the permissibility of the use of analogical reasoning. Based on what he said of this book, we know that he discussed in it Ibn ‘Arabī’s reasons for the rejection of *qiyās*, as well as his approval of it as a share of law-giving that was left by God for the scholars of the Muḥammadan nation in order to honour them.⁵²⁹ He likewise composed a work to show that all four imams criticised the use of *ra’y*,⁵³⁰ and another work on the evidences for the schools of the imams.⁵³¹ These works came at an early stage in al-Sha‘rānī’s life, and show us not only the extent of his accomplishment, but also reveal to us that he reflected carefully on the writings of Ibn ‘Arabī and brought some of Ibn ‘Arabī’s ideas to bear on his own legal thought and his legalistic writings.

However, the greatest of al-Sha‘rānī’s legal writings came after this formative period of study. These were three works, each highlighting and focusing on one of three key ideas of Ibn ‘Arabī: 1) the problem of religious authority, which he dealt with in *Irshād al-ṭālibīn*, 2) the rejection of the additions of the scholars to the law, which he dealt with in *Kashf al-ghumma*, and 3) the acceptance of the *ijtihād* of the scholars, which he dealt with in *al-Mizān*. Before that, however, we must quickly speak of another work by al-Sha‘rānī that he was inspired to write because of the *Futūḥāt*, which is a collection of traditions called *al-Badr al-munīr*.

⁵²⁷ Al-Sha‘rānī, *Laṭā‘if al-minan*, 92. This work has very recently been published by Dār al-Fatḥ in Amman, Jordan.

⁵²⁸ Al-Sha‘rānī, *al-Mizān al-kubrā*, 1:16.

⁵²⁹ Al-Sha‘rānī, *al-Durar al-manthūra*, 94. The book on *qiyās* was titled *Al-Iqtibās fī ma‘rifat aḥkām al-qiyās*.

⁵³⁰ Al-Sha‘rānī, *al-Mizān al-khaḍiriyya*, 40. This work has recently been published by Dār al-Fatḥ in Amman, Jordan.

⁵³¹ Titled *al-Manhaj al-mubīn fī bayān adillat madhāhib al-mujtahidīn*. See al-Sha‘rānī, *al-Mizān al-khaḍiriyya*, 40.

5.1.2 Ibn ‘Arabī and al-Sha‘rānī’s Work on Traditions

We saw in the chapter on Ibn ‘Arabī that he stressed, via his writings and the dreams that he wrote of, the importance of *ḥadīth* books, and criticised works of jurisprudence that went beyond being simple *ḥadīth al-aḥkām* works. In *al-Futūḥāt* he wrote,

[The Prophet] said, ‘May God show mercy to him who hears my speech, memorises it, and transmits it as he heard it.’ This means letter by letter.... This is only done by those who transmit revelation: the Qur’ān reciters and the traditionists... Jurists or those who transmit traditions by its meaning....have no share or portion of this [mercy].⁵³²

Ibn ‘Arabī continued to say that whoever narrated prophetic traditions is a messenger of the Messenger of God, which ultimately makes him a messenger of God. Therefore, the traditionists and Qur’ān reciters will be honoured to stand among the Messengers of God on the Day of Judgement.⁵³³ Al-Sha‘rānī longed to share in this honour that Ibn ‘Arabī described. Therefore, in the year 944/1538 he composed a book on traditions which he called *al-Badr al-munīr fī gharīb aḥādīth al-bashīr al-nadhīr*, which clarified the source of 2,300 traditions that were often quoted but whose sources and authenticity were not well known. Beside the need that he felt for this work, al-Sha‘rānī wrote that he composed it because,

The messenger of the Messenger is a messenger (of God), and so on until the Day of Judgement, as alluded to by the Messenger of God (may God bless him) when he said, ‘May God show mercy to him who hears my speech, memorises it, and transmits it as he heard it.’ This means letter by letter. The traditionists thus won the Messenger of God’s supplication of mercy for mercy...but those who are not traditionists will not receive from this supplication of mercy except as much as

⁵³² Ibn ‘Arabī, *Futūḥāt*, 1:229.

⁵³³ Ibn ‘Arabī, *Futūḥāt*, 1:229.

they narrate of the Sunna, not of their own understanding or opinion, so understand this!⁵³⁴

The paraphrasing from the *Futūḥāt* is clear, and this is but one more indication of Ibn ‘Arabī’s influence on al-Sha‘rānī’s written output. We now turn to al-Sha‘rānī’s works on jurisprudence, the first of which was concerned with the question of religious authority.

5.2 The Question of Authority

In the year 933/1527 al-Sha‘rānī wrote *Irshād al-ṭālibīn ilā marātib al-‘ulamā’ al-‘āmilīn* (*Guiding the Seekers to the Ranks of the Scholars Who Act Upon Their Knowledge*)⁵³⁵ which he said he summarised from the works of the greatest gnostics (‘*arifīn*).⁵³⁶ By those gnostics, however, al-Sha‘rānī mostly meant Ibn ‘Arabī. As the book’s editor Maḥdī ‘Arār showed, the vast majority of the book is simply quotations from Ibn ‘Arabī’s *al-Futūḥāt*, while the other sections are based on the teachings of al-Sha‘rānī’s main spiritual guide ‘Alī al-Khawwāṣ al-Burullusī (d. 953/1533). In this work, al-Sha‘rānī took the jurists and judges to task for the fault of not acting upon their knowledge and described the damage that this in turn did to wider society, the laypeople in particular. In this work, al-Sha‘rānī aimed to strip the authority of the law from the hands of the jurists and place it in the hands of the Sufis, like al-Tirmidhī before him.

The title of this work is telling: it insinuated that the majority of the scholars, especially those who criticised the Sufis, did not act upon their knowledge. The purpose of the book, as its author said, was ‘to show the greatness of the Sharī‘a (by revealing many of its secrets), to show that those (jurists) who are ignorant of the different spiritual states of the saints are even more ignorant of the states of the Prophet and his

⁵³⁴ Al-Sha‘rānī, *al-Badr al-munīr*, 4.

⁵³⁵ He mentions the date at the end of the work. Al-Sha‘rānī, *Irshād al-ṭālibīn*, 200.

⁵³⁶ Al-Sha‘rānī, *Irshād al-ṭālibīn*, 65.

Sharī'a, and 'out of compassion for some of our jurist brothers' who wrongly believe that the Sufis are ignorant of the rulings of the religion.⁵³⁷ In other words, the book was a display of the wondrous sciences of the Sufis, being those who who acted upon their knowledge, in order to show the jurists, who did not, their ignorance of the Sharī'a which they considered their domain. He criticised them for thinking that they are superior to the Sufis and complained that their supposed knowledge only led them to acting haughtily in front of the common people.⁵³⁸

Irshād al-ṭālibīn aimed to display the intimate knowledge that Sufis were granted by God of every facet of the divine law as gifts from God (*'ulūm wahbiyya*) by virtue of them being the inheritors of the prophets. These secrets cover everything from how the divine scriptures were revealed, to the wisdom behind the sending of the messengers with divine decrees, to the secret behind all the divine commandments. It also listed the manners of the real scholars who act upon their knowledge and thereby become gnostics. He explained - like Ibn 'Arabī did - that there were yet other secrets of the law that were revealed by virtue of scholars acting upon their knowledge (*'ulūm kasbiyya*),⁵³⁹ but by making this distinction clear and then focusing on the first kind of secrets, al-Sha'rānī was trying to prove once again that the jurists had no claim to being the inheritors of the prophets, and that it is the Sufis who shared in this rank with the traditionists.

In this work al-Sha'rānī also criticised the jurists on their works of jurisprudence and some of their juristic practices. On their personal lives, al-Sha'rānī criticised the majority of the jurists for their love of wealth, which he argued veiled them from being able to understand the Qur'ān and Sunna without need of explanation as the Sufis are able to. The jurists required explanations by the words of faulty humans whose limited understanding stripped these original sources of their vastness and richness. This led

⁵³⁷ Al-Sha'rānī, *Irshād al-ṭālibīn*, 84.

⁵³⁸ Al-Sha'rānī, *Irshād al-ṭālibīn*, 74, 191-198.

⁵³⁹ Al-Sha'rānī, *Irshād al-ṭālibīn*, 79-80. This is one of the main topics of Ibn 'Arabī's *Tanazzul al-amlāk*.

them to a limited and rigid understanding of the law that made the lives of the common people who followed them very difficult.⁵⁴⁰

Al-Sha‘rānī also criticised the jurists for occupying all their time with interpreting each others’ words: what can be understood from every author’s word or sentence directly, and what is implied or could be extracted from his phrasing. This distanced them from the infallible and pure Sharī‘a and from understanding its secrets, and they thus wasted their lives by greatly increasing the time required to gain understanding of the religion. What the Qur’ān and Sunna stated clearly was enough for the Muslims, and the job of the scholar was simply to transmit it without additions.⁵⁴¹ A related issue that Sha‘rānī criticised is that jurists then took what was understood from the writings of authors of jurisprudential works or commentaries and attributed the import of their sayings to the school of law to which the authors belonged. The jurists all imitated each other and built upon each other’s writings and opinions, resulting in books as large as twenty volumes, when the sayings of the original imam of that school, if collected from these twenty volumes, would not add up to a single volume. All of that extra work - including legal tricks (*hiyal*) that were created to circumvent certain injunctions of the law - were then attributed to that school or to the imam of that school. However, al-Sha‘rānī argued that nothing may be attributed to an imam unless he himself said it and did not retract that opinion until his death.⁵⁴²

The final and most important criticism of jurists that concerns us here is that their opinions were only based on *ẓann* (probability) and not on certainty. Despite the fact that their opinions were mere conjecture, they still argued and debated with each other, ‘so upon what basis does one say to the other: leave your conjecture for my conjecture?’⁵⁴³ As for the people of certainty, they are the gnostics who saw the truth by

⁵⁴⁰ Al-Sha‘rānī, *Irshād al-ṭālibīn*, 158.

⁵⁴¹ Al-Sha‘rānī, *Irshād al-ṭālibīn*, 164.

⁵⁴² Al-Sha‘rānī, *Irshād al-ṭālibīn*, 183. This point will be repeated again by al-Sha‘rānī in *Kashf al-ghumma*, 1:6.

⁵⁴³ Al-Sha‘rānī, *Irshād al-ṭālibīn*, 171.

way of unveiling (*kashf*) and divine teaching (*al-ta'rif al-ilāhī*) - an expression used often by Ibn 'Arabī - and this direct spiritual vision of the truth keeps them bound to the Sharī'a. Such people therefore do not debate each other because there is no disagreement between them.⁵⁴⁴ These gnostics may give fatwas and answer people's questions on the law because they had certainty and were not swayed by the love of fame or authority. Their opinions are always in agreement with the prophetic traditions. As for the lower-ranking jurists who imitate a school's opinions without knowing their bases in the Qur'ān and Sunna, they must be cautious about giving fatwas 'especially if others can do that for them.' Al-Sha'rānī mentioned a prophetic tradition which said that rule is not given to those who seek it,⁵⁴⁵ clearly implying that the jurists who loved wealth and fame, did not deserve to have authority over the people.

In words that recall the tone of Ibn 'Arabī, al-Sha'rānī wrote that the scholars who added a single ruling to the religion will be asked about it on the Day of Judgment and will regret adding something that the prophet refrained from commanding out of mercy for his community.⁵⁴⁶ Al-Sha'rānī divided the opinions of the scholars into three types: 1) opinions that are in agreement with what is clearly stated in the Sunna, in which case what is being followed is the Sunna, and the scholar is simply relating what it says; 2) opinions that go against the clear statements of the Sunna, in which they are to be rejected and the Sunna is to be followed; and 3) opinions in which there is no apparent agreement or disagreement with the Sunna, and leaving them or acting upon them are equal unless they tend toward safety such as the opinion forbidding the use of marijuana or other substances that cause sedation without intoxicating; in such cases it is better to act upon them even if not clearly stated in the Sharī'a.⁵⁴⁷

⁵⁴⁴ Al-Sha'rānī, *Irshād al-ṭālibīn*, 171, 181.

⁵⁴⁵ Al-Sha'rānī, *Irshād al-ṭālibīn*, 181.

⁵⁴⁶ Al-Sha'rānī, *Irshād al-ṭālibīn*, 164-167. The last argument that the additions of the scholars only add further restrictions on the lives of Muslims, that the scholars who made such additions will regret them on the Day of Judgment, and that that Muslims will not be blamed by God if they left acting upon anything not clearly stated in the Qur'ān and Sunna, is also in the preface to *Kashf al-ghumma*, 1:11-12.

⁵⁴⁷ Al-Sha'rānī, *Irshād al-ṭālibīn*, 164-5.

Among the interesting features of this work is a long list of the names of sciences that are revealed to the gnostics. Al-Shaʿrānī hoped that any jurist who read that list would have to admit that they did not have the knowledge that Sufis had of the law. This list was inspired by al-Tirmidhī's questionnaire in *Khatm al-awliyāʾ* which was a challenge to all those who claimed sainthood. It similarly recalls Ibn ʿArabī's use of symbolic language in *Tanazzul al-amlāk* to frustrate those jurists who had no inspired knowledge.

The main purpose of this work, as we have seen, was to say that authority in matters of the Sharīʿa belongs to the saints, not the jurists. The book, as we have seen, used Ibn ʿArabī as its main source, but in its focus on the issue of authority it was more similar to al-Tirmidhī's writings. There is in fact a possible reference to al-Tirmidhī in this work, as al-Shaʿrānī differed with Ibn ʿArabī on the issue of narrating prophetic traditions by their meaning instead of verbatim,⁵⁴⁸ and stated that the people of 'verification' stated clearly that it is permissible for knowers of God to narrate traditions by meaning and not in their exact wording. It is most likely that al-Shaʿrānī here was referring to al-Tirmidhī who dedicated a chapter to this point in *Nawādir al-uṣūl*.⁵⁴⁹ Al-Shaʿrānī wrote in *al-Ajwiba al-marḍiyya* that al-Tirmidhī was promised in a miraculous vision that his books will resurface at the end of time to revive the law, which indicates the care and attention that his extant works would have received by al-Shaʿrānī.⁵⁵⁰ We now come to *Kashf al-ghumma*, where al-Shaʿrānī acted upon the ideas in *Irshād al-ṭālibīn* and sought to strip religious authority from the jurists.

⁵⁴⁸ For Ibn ʿArabī's position see *Futūḥāt*, 1:403.

⁵⁴⁹ Al-Tirmidhī, *Nawādir*, 4:117-122.

⁵⁵⁰ Al-Shaʿrānī, *al-Ajwiba al-marḍiyya*, 255.

5.3 The Removal of the Fog

At around the age of thirty-three, in the year 936/1530, al-Shaʿrānī wrote *Kashf al-ghumma ʿan jamīʿ al-umma* (*The Removal of Fog from the Whole Community*). The fog that the title referred to as being a blight upon the entire Muslim community is the confusion created by the jurists. He said in the preface to the work that the laypeople, such as the craftsmen, tradesmen, and Sufī-aspirants (*fuqarāʾ*) were confused by the jurists of the different schools telling them that they should follow only one school of jurisprudence, that it should be their own school only, and that worship according to the other schools was invalid. Furthermore, these jurists rarely quoted the Qurʾān and Sunna and busied themselves instead with analysing the utterances of their predecessors and trying to extract new meanings from them, thus loading them with meanings that they may not have originally carried and creating new judgments out of them, then falsely attributing these judgments to the founders of these schools. This meant that if the common people tried to learn from the jurists, they would be wasting their precious time and would not be able to know if the jurists' opinions had any evidence from the Qurʾān and Sunna.⁵⁵¹ In order to solve their predicament, he wrote them this work, essentially an *aḥādīth al-aḥkām* work meant to be a replacement for jurists altogether. Al-Shaʿrānī followed Ibn ʿArabī in only accepting the traditionists, and not the jurists, as inheritors of the prophets. He further inferred from the Prophet's statement, 'and conveys [what I say] as he heard it' a rejection of any additions to - or deductions from - the law as it came from the Prophet.⁵⁵²

He thus compiled a *fiqh* book without any *fiqh* - in other words a work of *aḥādīth al-aḥkām* which contained only sayings of the Prophet and his Companions. However, this work was different from the standard works of this genre in many respects. Firstly, it was different in that al-Shaʿrānī relied on the narrations used in the works of the early imams of *fiqh*, rather than the major collections of canonical

⁵⁵¹ Al-Shaʿrānī, *Kashf al-ghumma*, 1:5-6.

⁵⁵² Al-Shaʿrānī, *Kashf al-ghumma*, 1:11.

traditions. He neither attributed the traditions to any sources nor did he investigate the authenticity of these traditions, stating that their use by the early imams was enough proof of their authenticity. He also refrained from commenting on the narrations or explaining them, stating that the understandings of scholars only limited the vastness and richness of the injunctions of the Qur'ān and Sunna, from which each was to take according to their own understanding. By leaving the Prophet's words as they are, he left 'the door of comprehension open to every one who sees or hears, from among the greatest of the gnostics to the rest of the creation, so that each understands according to the clarity or rust of the mirror of their hearts, and acts upon what they understood.'⁵⁵³ Similarly, in his works *al-Baḥr al-mawrūd* and *al-Durar al-manthūra*, al-Sha'rānī repeated that God only expected His servants to act upon that which they themselves understood, not the understanding of others, and that they therefore did not need to refer to scholars regarding the comprehension of a Qur'ānic verse or prophetic tradition.⁵⁵⁴ Thus for al-Sha'rānī, everything revolved around acting upon one's knowledge as an obedient servant of God, and not upon having the knowledge without acting upon it.⁵⁵⁵ It seems that for al-Sha'rānī, what mattered most was the spirit of the law as a vehicle for man's obedience to his Lord, not the particulars of it.

The introduction to *Kashf al-ghumma* makes it clear that it is based on the idea that people will not be responsible on the Day of Judgement for anything other than what is strictly stated in the Qur'ān and Sunna. He wrote in a passage which was clearly taken from the *Futūḥāt* that the Mahdī will come with the 'pure religion' and will only give judgments of lawful and unlawful as the Prophet would have done if he were alive, thereby bringing an end to all the added rulings that the *mujtahids* derived. The imitators of the scholars who will exist in his time will only follow him out of fear of his power, and will be at enmity with him inwardly for going against what their schools

⁵⁵³ Al-Sha'rānī, *Kashf al-ghumma*, 1:8-9.

⁵⁵⁴ Cf. Ibn 'Arabī (Chapter Four, Section 4.2.3).

⁵⁵⁵ Al-Sha'rānī, *Al-Baḥr al-mawrūd*, 71-2; *al-Durar al-manthūra*, 36.

say, not thinking that anyone could surpass their imams in knowledge. Al-Sha‘rānī then used this to support his work saying,

From what we have said, everyone who is fair will know the correctness of what we intended in writing this book and that, if it was obligatory for the community to follow what was derived by the *mujtahids* as it was obligatory to follow the clear statements of the Sunna, the Mahdī would not put an end to [acting upon their derivations] when he emerges.⁵⁵⁶

Al-Sha‘rānī refrained from preferring one out of two seemingly contradictory statements or from saying that one abrogates another. He decided that it is not proper propriety (*adab*) toward the Prophet to use one tradition to abrogate another, as was the habit of the jurists who, when they saw two conflicting prophetic traditions, would attempt to discover which one came later in time in order to say that it abrogated the earlier tradition. He said that no one may abrogate the sayings of the Prophet but the Prophet himself in clear statements he made like ‘I had previously forbidden you from visiting graves but do visit them.’ As for two apparently contradictory statements by the Prophet in which there is no clear statement of abrogation, scholars have no right to abrogate one of them: it is bad *adab*.⁵⁵⁷

Al-Sha‘rānī explained the apparent contradiction between traditions through the idea that would become the basis for his Scale (*mīzān*). It is that the Sharī‘a does not create difficulty or constriction for mankind, but is expansive and accommodating, and therefore provides different value judgments or rulings for every case, based on the different circumstances and needs of the people. Every matter can have two rulings, the more stringent ruling (*tashdīd/‘azīma*), which is the optimal course of action that is to be followed by those who have the ability to follow it, and the more lenient ruling (*takhfīf/rukḥṣa*) for those who do not have the ability to do the former. There can also be different shades of stringency or leniency, allowing for multiple value judgements or

⁵⁵⁶ Al-Sha‘rānī, *Kashf al-ghumma*, 1:11.

⁵⁵⁷ Al-Sha‘rānī, *Kashf al-ghumma*, 1:8.

rulings for every issue or practice. Hence, if there was a seeming contradiction between two prophetic traditions, the differences could be solved by applying their rulings to Sha‘rānī’s ‘Scale’ (*mīzān*) of stringency and leniency: one of the traditions is then understood to give the more stringent option, and the other gives the more lenient option.⁵⁵⁸ He therefore advised those who used *Kashf al-ghumma*, if they were faced with two different reports, to give preference to the tradition that tended toward precaution, rather than the one that tended toward leniency.⁵⁵⁹

I will explain this Scale in more detail when looking at the work dedicated to it, *al-Mīzān al-kubrā*, and will show its origin in the teachings of Ibn ‘Arabī. It suffices here to say that this work was based on Ibn ‘Arabī’s idea of mercy and ease for the people, and that no one was expected to act upon any derivations of the law by the scholars, nor upon the scholars’ understanding of the sources. The laypeople were given a manual to consult, giving them the relevant Qur’ānic or prophetic guidance on the issues they faced, and if they found traditions giving different answers then they were free to choose which to follow. Like Pagani noted, it gave emphasis ‘to the opposition between revealed (or inspired) law and legal reasoning’ as did Ibn ‘Arabī.⁵⁶⁰

A question that arises is what drove al-Sha‘rānī to compose this work, and who were the jurists who made life difficult for the laypeople. Ibrahim believed that the jurists in question were purists who convinced some laypeople that they must seek ‘the truth,’ that is, ‘to seek textual sources directly, rather than rely on juristic views.’⁵⁶¹ He defined purists as those who ‘supported school boundary-crossing, but only on evidential grounds.’⁵⁶² He therefore understood these laypeople to have ‘embraced [the purists’] aversion to scholasticism and advocacy of textualism.’⁵⁶³ However, I believe

⁵⁵⁸ Al-Sha‘rānī, *Kashf al-ghumma*, 1: 5, 12-13.

⁵⁵⁹ Al-Sha‘rānī, *Kashf al-ghumma*, 1:5.

⁵⁶⁰ Pagani, ‘Meaning of Ikhtilaf,’ 205.

⁵⁶¹ Ibrahim, ‘al-Sha‘rānī’s Response,’ 130.

⁵⁶² Ibrahim, ‘al-Sha‘rānī’s Response,’ 126.

⁵⁶³ Ibrahim, ‘al-Sha‘rānī’s Response,’ 130.

this is a misunderstanding. The laypeople who complained to al-Sha‘rānī were only motivated to seek the textual sources directly because of the dilemma that the jurists created for them. This motivation was of a secondary nature, sought as a solution to the situation caused by the jurists. It is very clear from al-Sha‘rānī’s portrayal of the situation that the jurists in question were those that Ibrahim called supporters of *tamadhhub*, and not those he classified as purists. Supporters of *tamadhhub*, were, as Ibrahim described them, ‘proponents of abiding by one school only in all transactions.’⁵⁶⁴ Supporters of *tamadhhub*, who were by far the dominant force at the time, believed that ultimately the truth lay with one opinion on any issue in the sight of God, but had a pluralistic understanding that ultimately this correct opinion was only known to God, and that everyone was rewarded for their *ijtihād*. They therefore believed that the followers of all schools were rightly guided, and that it was better for everyone to remain within the boundaries of a single school, out of fear that they might pick and choose opinions from the different schools based on their whims and desires. However, the problem, as al-Sha‘rānī portrayed it in *al-Mizān al-kubrā*, was that these same scholars who professed this pluralistic understanding with their tongues, ‘did not believe it in their hearts,’ and in fact believed that only their school of law was correct on all issues, and that the positions of the other schools were incorrect.⁵⁶⁵ This was the situation as al-Sha‘rānī repeated again and again in *al-Mizān*, and certainly the situation was no different when he wrote *Kashf al-ghumma*. The scholars did not change their position in those years between the writing of *Kashf al-ghumma* and *al-Mizān*. Instead, al-Sha‘rānī changed his strategy in responding to the same problem.

The situation as al-Sha‘rānī described it in his introduction to *Kashf al-ghumma*, is that the scholars from each school were teaching that the truth lay with them, and that worship according to the other schools was invalid because they were wrong. It is only when the laypeople saw the supporters of each school saying that worship was only

⁵⁶⁴ Ibrahim, ‘al-Sha‘rānī’s Response,’ 126.

⁵⁶⁵ Al-Sha‘rānī, *al-Mizān al-kubrā*, 1:11.

valid according to their school, and everyone else was wrong, that they became confused and worried that their worship was invalid. Therefore, they sought the textual sources as a way of being assured that their worship was valid.⁵⁶⁶ These laypeople, because of their need to earn a living or to spend their time in worship, could not afford to become scholars in order to evaluate the different positions as purists would have wished of them. Instead, their request, as portrayed by al-Sha‘rānī, or at least his solution for them, was a work that simply disposed of any scholastic output, and provided them with the prophetic traditions relevant for every issue, because it was only what was directly revealed in the Qur’ān and traditions that they would be asked about, and because no one was compelled to act upon the *ijtihād* of the jurists.⁵⁶⁷ This was not the attitude of the purists but instead reflected the attitude of the Zāhirīs and Ibn ‘Arabī. Therefore, the situation paints a picture of intense rivalry between the scholars of the schools, driving the laypeople into confusion about the validity of their acts of worship. This was the source of the difficulty, the ‘fog,’ that drove al-Sha‘rānī to author *Kashf al-ghumma*. We now come to *al-Mīzān*, where al-Sha‘rānī chose to highlight a very different aspect of Ibn ‘Arabī’s thought: his approval of the *ijtihād* of the scholars and their schools.

5.4 The Theory of the Scale

It was only in his old age, at around the year 963/1556, that al-Sha‘rānī brought to light the theory of the Scale to which he had briefly alluded thirty years earlier in *Kashf al-ghumma*. He began with *al-Mīzān al-khaḍiriyya* (*The Scale of al-Khaḍir*), also known as *al-Mīzān al-ṣughrā* (*The Minor Scale*). In this work al-Sha‘rānī told the story of how he was taught this Scale by al-Khaḍir, who told him that he never taught it to anyone else before him. He then dedicated a brief section in description of al-Khaḍir’s

⁵⁶⁶ Al-Sha‘rānī, *Kashf al-ghumma*, 1:5-6.

⁵⁶⁷ Al-Sha‘rānī, *Kashf al-ghumma*, 1:6-7.

rank (an intermediary rank between prophets and saints). After that he expounded briefly on the Scale and what it meant to have two levels of stringency on most matters, and argued for the correctness of all the schools of law. In the last third, al-Sha'rānī decided to prove his Scale by going through examples of differences of opinion between the jurists and how they could all be explained by weighing them according to his Scale of stringency and leniency. He therefore chose a large selection of matters from the questions of ritual purity and prayer and explained them.

Al-Sha'rānī finally authored his *al-Mīzān al-kubrā: The Major Scale*. This work built on its smaller predecessor, but completed the task of discussing all the major questions of jurisprudence, making it a complete *fiqh* work. By mentioning the different rulings of the schools of law for each matter of *fiqh*, this work became a comprehensive work on comparative *fiqh*. It was of course more than that because it not only compared the different opinions of the schools but analysed them and attempted to explain the differences between schools based on his theory of the two levels of the Scale of the Law: stringency and leniency. It is clear from the introduction to this final work that al-Sha'rānī had discussed his ideas at length with his students, as well as with those who opposed his idea. His introduction was therefore much longer and provided clarification of the idea of the Scale. In it he responded to several misunderstandings of its concepts, usage, evidences, and ramifications. We will now look at the main theory behind this work and why it was written.

5.4.1 The Two Levels

The main idea behind the Scale is that the law is not rigid, and that it allows for differences of opinions in order to suit people of different circumstances and abilities. There were different prophetic traditions that seemed contradictory because they were addressed to people of different circumstances or abilities. The Sharī'a as a whole encompassed the entire body of Qur'ānic injunctions and traditions, as if it were a garment that was woven from the Qur'ānic verses and all the different traditions used by the different schools. If one tradition or evidence was rejected, then it is as if that

garment lost one of its threads. The Sharī‘a also embraced the *ijtihād* of the *mujtahids*, which was approved by the Sharī‘a and became added to it. The different opinions of the imams were also based on the different circumstances of the people and therefore represented different levels of stringency and leniency. The different traditions and the different opinions of the imams could all be explained as representing varying levels of stringency and leniency, all of which were part of the Sharī‘a.⁵⁶⁸

In *Kashf al-ghumma*, al-Sha‘rānī had criticised the followers of the different schools of law for ‘seeing with only one eye,’ that is, thinking that the Sharī‘a had only one level in which only one position on any one matter could be correct, rather than different levels of stringency and leniency. Because of this, if the imam they followed chose one judgment, whether it be a stringent or lenient one, they called it ‘his *madhhab*’ as if it is the only judgment that he accepted, and they asked the rest of the Muslim world to follow that opinion only and reject all others.⁵⁶⁹ In *al-Mīzān* he added that everyone who was honest about his imam would agree that had the imam been presented with the situation of a person of different circumstance, who was unable to follow the stringent judgment that imam had chosen he would have told him to follow the more lenient judgment that was chosen by a different imam; this then would have been the imam’s ‘*madhhab*’.⁵⁷⁰ Al-Sha‘rānī therefore criticised the followers of different schools for telling people in some circumstances that there was no way out of their problem in their own school and that the solution lay in another, forcing them to cross school boundaries out of necessity, which was in theory not looked upon favourably.⁵⁷¹ Instead, he argued that the scholars of the different schools should realise that each person must necessarily be in a state in which he can either follow the more stringent or more lenient judgement, and must give him the judgment that suits him

⁵⁶⁸ Al-Sha‘rānī, *al-Mīzān al-kubrā*, 1:35; *al-Mīzān al-khaḍiriyya*, 25.

⁵⁶⁹ Al-Sha‘rānī, *Kashf al-ghumma*, 1:13.

⁵⁷⁰ Al-Sha‘rānī, *al-Mīzān al-khaḍiriyya*, 20.

⁵⁷¹ This referral of people from a muftī or judge of one school to another, was not infrequent. See Rapoport’s ‘Legal Diversity,’ 220-1.

regardless of whether it was chosen by their own particular imam or not.⁵⁷² For al-Sha‘rānī, limiting people to one school of law meant removing its expansive nature and forcing people into following opinions that might not suit them in certain circumstances. He wrote, ‘The one with experiential knowledge of this Scale sees all the schools of the *mujtahid* imams and the opinions of their followers as part of one Sharī‘a for one person that comes in two degrees. Whoever acts upon either of its degrees is correct.’⁵⁷³

This is like the idea we saw expressed by Ibn ‘Arabī in which all the different opinions of the imams formed one larger whole picture, giving the layperson free reign to choose what they wished from all the schools and opinions. Vikør summed up this idea of al-Sha‘rānī:

His view was that all *madhhabs* must be taken into account as if they were one large *madhhab*. The views of the...schools formed the external limits of this unified system, setting the ‘stricter’ and ‘more lenient’ boundaries for what a Muslim was allowed to do. Within these limits, among the statements presented by the schools, each Muslim could determine his conduct freely, taking one position in one context and another in another.⁵⁷⁴

5.4.2 The Fishing Net

Al-Sha‘rānī, quoting his teacher ‘Alī Al-Khawwās, claimed that the founding imams of the schools were among the greatest of God’s saints, and therefore they must have had direct waking access to the Prophet just as his own teachers and other great Sufis are believed to have had. The imams had all of their opinions approved by the Prophet before putting them in their books or teaching them to their students. The imams used their spiritual unveiling and knowledge of the secrets of the Sharī‘a to take the different ranks and capabilities of the Muslims into consideration. In other words,

⁵⁷² Al-Sha‘rānī, *Kashf al-ghumma*, 1:13.

⁵⁷³ Al-Sha‘rānī, *al-Mizān al-kubrā*, 1:15.

⁵⁷⁴ Vikør, ‘Shaykh as Mujtahid,’ 371. Vikør said that the external limits were formed by the views of the four schools, but in fact, they included also the known opinions of other schools now extinct and the great scholars of the early generations.

some of the imams purposefully chose one judgement for the sake of the weaker Muslims, and left the more stringent judgements for other imams to choose. Their rules were therefore based on knowledge of the *ḥaqīqa*, and were all correct.⁵⁷⁵ But the imams themselves did not provide the answers to every ruling of jurisprudence, and those had to be worked out by their students and followers who came after them, and who did not necessarily have the same level of gnosis. Therefore al-Shaʿrānī's claim of the correctness of the rulings of all the main schools of law was backed by another important principle of jurisprudence that comes from Ibn ʿArabī, and that is God's approval of the result of each *mujtahid*'s *ijtihād*.

Ibn ʿArabī justified the positions of the scholars through the Divine stamp of approval: there is a prophetic statement accepting the *ijtihād* of every *mujtahid*. Al-Shaʿrānī, however, wanted to explain how the *ijtihād* of every *mujtahid* could be correct, beyond the simple approval of the lawgiver. Al-Shaʿrānī explained that there is an original 'source of the Sharīʿa' (*ʿayn al-Sharīʿa*) from which the original imams derived their opinions, and their opinions were necessarily correct because they came from this source of the law. Those who reached the requisite level of spiritual progress and unveiling could witness this 'source' first hand, experientially, and discover where every *mujtahid* took their opinions from in that original source, and see with certainty how they were all correct.⁵⁷⁶ As for the additions that were developed by the followers of these imams, their positions were correct because they were built on the original positions of the imams and were connected to them, which meant that the 'light of the Sharīʿa' ran through them.⁵⁷⁷

One of the unique features of *al-Mīzān al-kubrā* is a series of drawn illustrations that al-Shaʿrānī included to explain his ideas. Perhaps the most important illustration was that of the fisherman's net, which aimed to illustrate and explain the connection of

⁵⁷⁵ Al-Shaʿrānī, *al-Mīzān al-kubrā*, 1:54-5.

⁵⁷⁶ Al-Shaʿrānī, *al-Mīzān al-kubrā*, 1:27-9.

⁵⁷⁷ Al-Shaʿrānī, *al-Mīzān al-kubrā*, 1:44.

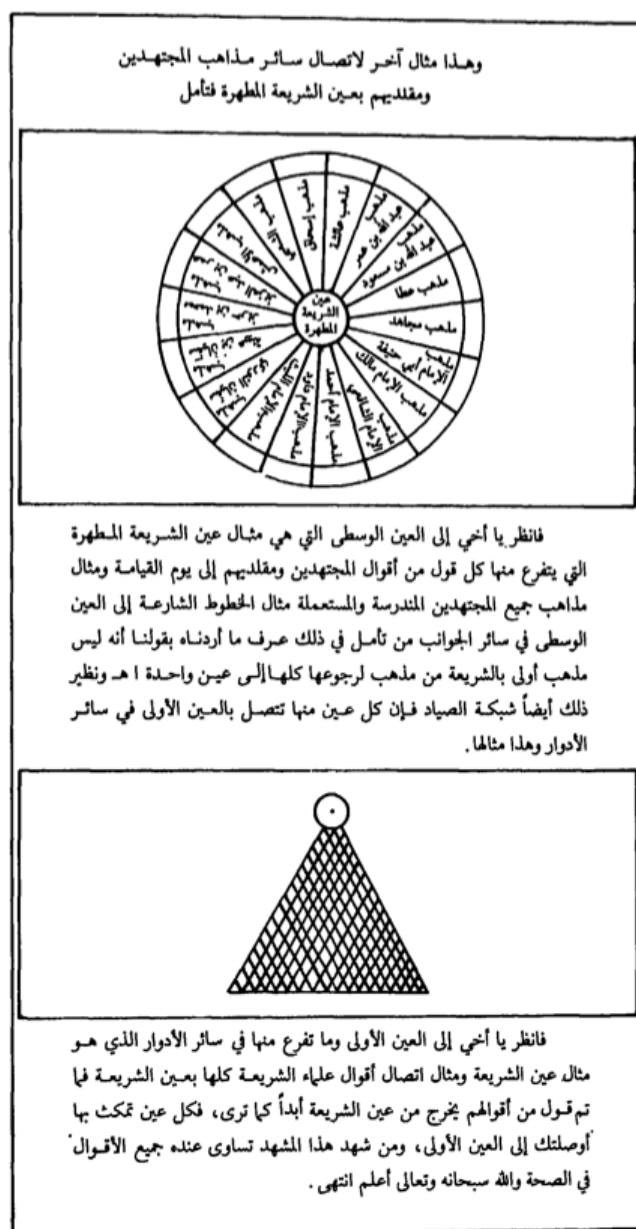
the positions of the scholars to the *'ayn al-Sharī'a*. In this image, there is a large circle or ring at the top, representing the 'source of the Sharī'a.' The first row of little rings attached to the large one represents the opinions of the earliest imams, based directly on this source of the Sharī'a. The second wider row of rings is connected to the first row, and then another wider row connects to that, producing a long succession of rows getting wider and wider, representing the deductions of successive generations of scholars, each building on the work of their predecessors. The very fact that each generation's deductions built upon the ones that came before them meant that they were connected to the original source of the Sharī'a and stemmed from it, and therefore could not possibly be incorrect.⁵⁷⁸ He did caution however that if jurists affiliated with a school of one of the imams went against that school's principles to come up with an *ijtihād* that went against the Qur'ān, Sunna or Consensus, then he was not truly a follower of that imam but of his own desires, and his *ijtihād* was to be rejected.⁵⁷⁹ In his previous work *al-Mizān al-ṣughrā*, al-Sha'rānī's expression was clearer,

Whoever witnesses [the connection of the opinions of the scholars to the source of the Sharī'a] accepts the truth of all the opinions of the scholars who follow the imams, as long as they do not go against their texts and their principles, or against a consensus, for whoever does that is not a follower of any of the imams, but a follower of Satan. Therefore when we refer to the followers of the imams in this Scale, we refer to those whose speech falls under their principles.⁵⁸⁰

⁵⁷⁸ Al-Sha'rānī, *al-Mizān al-kubrā*, 1:62.

⁵⁷⁹ Al-Sha'rānī, *al-Mizān al-kubrā*, 1:5.

⁵⁸⁰ Al-Sha'rānī, *al-Mizān al-khaḍiriyya*, 7.



Top illustration: The equality of all the schools of law, the four that are extant, and the rest which are extinct, because they are all equally connected to the Source of the Sharī'a.

Bottom illustration: The Fisherman's Net. The ring at the top represents the Source of the Sharī'a. The next set of rings represent the positions of the imams of the schools, and each subsequent set represents the positions of the scholars who came after them. This serves to show that the positions of the scholars were necessarily connected to the original Source of the Sharī'a and were therefore correct.⁵⁸¹

⁵⁸¹ Note: I took these illustrations from a print of the *Mizān* different than the one I referenced throughout the chapter, because in this edition both illustrations that I wanted were on the same page. They were taken from al-Sha'rānī, *Kitāb al-mizān*, ed. 'Abd al-Raḥmān 'Umayra, 1:194. See also al-Sha'rānī, *al-Mizān al-kubrā*, 1:61-2.

5.4.3 What is the ‘Source of the Sharī‘a?’

One of the core ideas in al-Sha‘rānī’s theory is that all of the opinions of the imams go back to *‘ayn al-sharī‘a*, and that the saints can reach a stage where they come to witness this *‘ayn al-sharī‘a* and see with their own eyes how the imams took their opinions from it, and how they were therefore all correct. Different interpretations have been offered to explain this phrase. The word *‘ayn* could mean source or spring, or could mean the very essence of a thing. Radtke understood it to mean ‘the very source of the *sharī‘a* - i.e. the Prophet Muḥammad.’⁵⁸² This does not however match the gender that is used throughout for this source, and even though al-Sha‘rānī did claim that the imams all had waking visions of the Prophet, it is clear that what he meant was something different. Pagani understood *‘ayn* in its meaning of essence, and explained it to possibly mean ‘the *sharī‘a* itself’ or ‘the *sharī‘a* as it really is,’ comparing al-Sha‘rānī’s usage to another expression by al-Khawwāṣ where he uses the word *‘ayn* in a similar sense.⁵⁸³ In other words, it is the original Sharī‘a as God and His Prophet intended it, before the approved additions of the scholars. This is similar to the argument put forth by Ḥassan al-Qaṣṣāb, who wrote a thesis evaluating the Scale as a coherent theory from the perspective of *uṣūl al-fiqh*. Al-Qaṣṣāb argued that the expression referred to what was left as *mujmal* or not clarified explicitly in the Qur’ān and Sunna.⁵⁸⁴ That is because al-Sha‘rānī stated that the role of the Prophet was to clarify what was not clear in the Qur’ān, and the job of the imams was to clarify what was not clear in the statements of the Prophet, and the job of their followers was to clarify what was not clear in the statements of the imams and so on. In other words, in al-Qaṣṣāb’s understanding, the opinions of the imams come from the *‘ayn al-sharī‘a*

⁵⁸² Radtke et al., *Exoteric*, 16.

⁵⁸³ Pagani, ‘Meaning of Ikhtilaf,’ 195.

⁵⁸⁴ On ‘*mujmal*’ texts and their interpretation see Kamali, *Principles*, 135-8; Hallaq, *History*, 43-4.

because they were clarifications of the Sharī‘a, being the Qur’ān and Sunna, and so they could not be separate from it.⁵⁸⁵ If that was what al-Sha‘rānī meant, however, he could have simply called it the *mujmal*. Furthermore, unlike Pagani or al-Qaṣṣāb’s understanding, al-Sha‘rānī’s descriptions of this ‘*ayn al-sharī‘a*’ make it clear that he was referring to something that could be witnessed and experienced spiritually, what he called in the very beginning of his book a ‘*mashhad*’ or scene, of the connections of the opinions of the imams to the ‘*ayn al-sharī‘a*’. Al-Sha‘rānī’s descriptions suggested that one could ‘see’ the connections in a sensory way. In more than one place in his work, including the passage that will be quoted below, he referred to this ‘*ayn*’ as ‘*ayn al-Sharī‘a al-kubrā*’: the great or large ‘*ayn*’ of the Sharī‘a. This phrase rules out the possibility that ‘*ayn al-Sharī‘a*’ could refer to the very essence of the Sharī‘a.

I will propose that the answer lies in a single passage in *al-Mizān* itself, which makes it clear that he took his concept of ‘*ayn al-sharī‘a*’ from the *Futūḥāt*. Al-Sha‘rānī wrote,

Shaykh Muḥyī al-Dīn said in the seventy-third chapter of the *Futūḥāt*: ‘...when the servant reaches the knowledge of God, “where there is no goal beyond God,” there he will see by way of unveiling and certainty the presences (*ḥaḍarāt*) of the divine names, and will see the connection of all the opinions of the scholars to the presence of the names. All differences of opinions among the schools of the *mujtahids* will be removed for him, because he will witness the connection of all their opinions to the presence of the names and attributes (of God) - not a single one of their opinions goes outside of their presence.’ This is like what we have said earlier about the ‘*ayn al-Sharī‘a al-kubrā*’.⁵⁸⁶

Here al-Sha‘rānī stated that the knower of God will reach a station where he sees the origin of the opinions of the *mujtahids* in the presence of God’s names, and then

⁵⁸⁵ See al-Qaṣṣāb, *Nazariyyat al-mizān*, 51-4.

⁵⁸⁶ Al-Sh‘arani, *al-Mizān al-kubrā*, 1:39.

explicitly equated it to his description of the *‘ayn al-Sharī‘a*. This passage is not an exact quote from the *Futūḥāt* but rather an explanation or elaboration based on al-Sha‘rānī’s understanding. Though the concept of the ‘presences of the divine names’ is a major theme in the *Futūḥāt*, it was not directly mentioned in the actual passage that al-Sha‘rānī referred to.⁵⁸⁷ The passage referred to comes from Ibn ‘Arabī’s responses to al-Tirmidhī’s questionnaire, in which Ibn ‘Arabī discussed the prophetic statement ‘there is no goal beyond God.’ There he discussed a spiritual station where the seeker realises that acting upon the strict rules of the law (*‘aẓīma*) is equal to acting upon divinely-granted concessions (*rukḥṣa*) because God is found in both. He continued,

It is similar to when a seeker travels the path as a Ḥanbalī or Ḥanafī, limiting himself to a single school through which he worships God and does not believe in going against it. Arriving at this *mashhad* then leads him to worship according to all the schools without differentiating between them.⁵⁸⁸

Al-Sha‘rānī understood this *mashhad* to refer to the connection of every judgement and property to the divine names of God, an idea repeated often in the *Futūḥāt*.⁵⁸⁹ This in turn is similar to the belief of al-Tirmidhī who had stated in his works *‘Ilm al-awliyā’* and *Taḥṣīl naẓā’ir al-Qur’ān* that all knowledge stems from the names of God: God’s ordering of the universe, His judgements, and what He made permissible or forbade, all emerged from the names. The sciences of the names, in turn, could be found in the letters of the alphabet.⁵⁹⁰ Ibn ‘Arabī made explicit reference to this idea of al-Tirmidhī in his *Futūḥāt* when he discussed the secrets of the letters of the alphabet. He wrote,

⁵⁸⁷ On the ‘presences of the names’ see Chittick, *Sufi Path of Knowledge*, 4-6.

⁵⁸⁸ Ibn ‘Arabī, *Futūḥāt*, 2:43.

⁵⁸⁹ See Ibn ‘Arabī, *Futūḥāt*, 2:39, 508.

⁵⁹⁰ This passage from *Kitāb ‘ilm al-awliyā’* has been translated by Radtke and O’Kane as part of an appendix to *Concept*, 223-5. See also the passage I translated from *Taḥṣīl naẓā’ir al-Qur’ān* in Chapter 1 (Section 1.3.3).

‘this science [i.e. of the letters] is called the science of the saints, and it is through it that the essences of all created things appear....That is why al-Tirmidhī considered it to be the science of the saints (*‘ilm al-awliyā*).’⁵⁹¹

Therefore, I propose that by *‘ayn al-Sharī‘a*, al-Sha‘rānī referred to the names of God, from which all divine judgements emerge, an idea that he took from Ibn ‘Arabī, who in turn took it from al-Tirmidhī. The difference however is that Ibn ‘Arabī had stated that the imams, though they were in the Station of Proximity, did not necessarily know this, and were not necessarily aware of the divine origin of their inspiration (Chapter Three, Section 3.1). Al-Sha‘rānī’s rewording of the passage, however, suggests a process akin to al-Tirmidhī’s *siyāq* where the saints actively used their insight to penetrate to the realm of God’s decrees, and from there to the realm of God’s names, and found the answer they sought (Chapter Two, Section 2.3). In al-Sha‘rānī’s conception, then, the imams purposefully chose their opinions based on unveiling (*kashf*) as he stated elsewhere in the *Mīzān*.⁵⁹²

5.5 The Reasons for Writing *al-Mīzān*

Al-Sha‘rānī had hoped that *Kashf al-ghumma* would suffice laypeople in their affairs. Ibn ‘Arabī had stated that the Mahdī would appear at the end of time with the pure Sharī‘a without the derivations of the schools. Al-Sha‘rānī claims to have heard a heavenly voice telling him that *Kashf al-ghumma* will remain until the time of the Mahdī, so that the Mahdī’s followers and companions could use it and not have to refer to him for the majority of their religious questions.⁵⁹³ Almost thirty years after *Kashf al-ghumma*, at the age of sixty, al-Sha‘rānī authored *al-Mīzān al-khaḍiriyya*, which was soon followed by *al-Mīzān al-kubrā*. The theory of the Scale existed from the time of *Kashf al-ghumma* as it appears in its introduction, but was not explained there fully. At

⁵⁹¹ Ibn ‘Arabī, *Futūḥāt*, 1:190.

⁵⁹² Al-Sha‘rānī, *al-Mīzān al-kubrā*, 1:54.

⁵⁹³ Al-Sha‘rānī, *Kashf al-ghumma*, 1:10.

the end of *al-Mizān al-khaḍiriyya*, al-Shaʿrānī wrote that for thirty-two years he had been hinting at this theory but had not divulged it out of fear that it would not be understood. However, as he approached old age and death was not far off, he feared that he was religiously and morally responsible for sharing this Scale, hoping that one day, perhaps after his death, people would act upon it. He saw in this work a way to increase the respectful etiquette due to the imams and those who imitated them, and to defend them from those who objected to them or the evidence they used.⁵⁹⁴

Al-Mizān al-khaḍiriyya was a small work, concerned mainly with the theory of the Scale, and only included a single chapter in which the theory was applied and demonstrated over issues of ritual purity and prayer. Al-Shaʿrānī's main concern was to show that there are no contradictions in the Sharīʿa and to create mutual understanding and unity between the followers of the different schools of law within Sunni Islam. The general Sunni belief is that all the imams of the schools and their followers are rightly-guided, but al-Shaʿrānī was troubled by the attitude of the followers of the schools, the jurists and their imitators, who did not seem to truly believe this, and who acted as if acts of worship and transactions done according to schools other than their own were invalid. His aim then, as he repeated again and again, was to make the internal belief of these jurists and their followers match the statements that they proclaimed with their tongues, so that they refrained from attacking the imams, jurists, and followers of other schools.⁵⁹⁵ Al-Shaʿrānī was particularly troubled by the enmity shown by jurists of other schools to Abū Ḥanīfa and his school, and dedicated long sections in both *mīzans* to defending him and his opinions.⁵⁹⁶ We could say, based on al-Shaʿrānī's own wording, that the theoretical part of this work was aimed mostly at jurists and students of

⁵⁹⁴ Al-Shaʿrānī, *al-Mizān al-khaḍiriyya*, 78-9.

⁵⁹⁵ Al-Shaʿrānī, *al-Mizān al-khaḍiriyya*, 8.

⁵⁹⁶ See for example *al-Mizān al-khaḍiriyya*, 54-76. If one of the main purposes of al-Shaʿrānī's Scale was to defend the validity of other schools in the face of Ottoman Ḥanafisation as A.F. Ibrahim argued, he might not have gone to such length to defend the school of Abū Ḥanīfa or argue that among the schools it would last the longest and would continuously gain strength until the end of time (al-Shaʿrānī, *al-Mizān al-kubrā*, 89).

jurisprudence (*ṭalabat al-‘ilm*),⁵⁹⁷ whereas the practical demonstration was also of interest to his own disciples (*al-ikhwān*).⁵⁹⁸ However, what was the reason for then vastly expanding both the theoretical and practical parts of the work in a new endeavour: *al-Mīzān al-kubrā*?

It is clear that the introduction (theoretical part) of *al-Mīzān al-kubrā* was the result of discussions of its earlier counterpart in *al-Mīzān al-ṣuḡhrā*, and that al-Sha‘rānī felt the need to defend and explain himself better for its intended audience, who were jurists and students of knowledge. In this work, however, the theoretical section, even though it was far larger than its earlier counterpart, became only an introduction to the far longer practical demonstration of the theory across topics of jurisprudence usually covered in jurisprudential manuals. This was a reverse of the *al-Mīzān al-khaḍiriyya* in which the theory of the Scale was the main work, and the practical demonstration only an appendix. Al-Sha‘rānī stated that the earlier work, with its examples from questions of ritual purity and prayer, was not enough, and that he needed to go through the entire range of jurisprudential matters so that his readers could feel a sense of certainty at the correctness of any major opinion they follow.⁵⁹⁹ It is clear that this practical part of the Scale, being the comparison, explanation, and defence of the opinions of the different schools, was now meant for the Muslim community at large, and no longer just for scholars and students of jurisprudence.

The question to ask is why al-Sha‘rānī’s final approach was to offer the general Muslim community a guide to understanding and applying the opinions of the schools as one whole body of law to choose from, rather than his earlier approach of simply offering them prophetic traditions instead. It is possible that, despite al-Sha‘rānī’s assurances that everyone would only be taken to account according to their own understanding of the revealed sources, his readers were not very confident in their own

⁵⁹⁷ Al-Sha‘rānī, *al-Mīzān al-khaḍiriyya*, 13.

⁵⁹⁸ Al-Sha‘rānī, *al-Mīzān al-khaḍiriyya*, 79-80.

⁵⁹⁹ Al-Sha‘rānī, *al-Mīzān al-kubrā*, 1:56.

understanding of the texts, and preferred the understanding offered by the imams and scholars. Secondly, while *Kashf al-ghumma* offered many different traditions of the Prophet and his Companions which might seem contradictory, and the reader was left to choose an opinion that suited them, the Scale offered them an explanation of why there were different traditions, and which of them would be preferable for those who could do both. Third, it would have reassured the layperson that his acts of worship were valid, whether he stopped at the Qur'ān and Sunna, or chose to follow one of the schools. However, the most likely reason is that the approach in *Kashf al-ghumma*, with its rejection of the entire enterprise of the schools and their scholars, was seen as too radical at that time, in the 'age of *taqlīd*,' and would not have been a very successful or appealing approach. Therefore, I will argue that the switch from *Kashf al-ghumma* to *al-Mizān* was a change of strategy, based on what would have been a more acceptable and successful method to reach the same goals in the age in which al-Sha'rānī lived. This point will become clearer in the sections below.

5.5.1 The Established Order

Pagani stated that al-Sha'rānī's acceptance of the differences of opinion among the schools of law in *al-Mizān* was a departure from the thought of Ibn 'Arabī because it 'entails the acceptance of the authority of the community and of the scholars who represent it.'⁶⁰⁰ Ibn 'Arabī, however, did not intend to reject the authority of the scholars altogether. Although al-Tirmidhī may have rejected the authority of the scholars simply out of the principle that they were unqualified for *ijtihād*, Ibn 'Arabī approved of their *ijtihād* on the basis that God honoured them by allowing it. He only rejected their authority when it removed the mercy from the law. If, however, they did not force people to remain within one school, or did not force people to follow their added derivations, then he did not question their authority or their place in the

⁶⁰⁰ Pagani, 'Meaning of *Ikhtilāf*,' 205.

community. As Addas stressed, Ibn ‘Arabī’s independence of thought did not mean ‘that he reject[ed] the legacy of the masters who preceded him. On the contrary, he was in complete solidarity with them.’⁶⁰¹ The case is similar with al-Sha‘rānī. The *Mizān* approved of the authority of the scholars and approved of the laws that they derived, but it gave the reader the ability to look at a host of juristic opinions and make their own informed decisions without having to obey the scholars if they told them to remain within the boundaries of one school. The *Mizān* approved of the scholars’ work and yet at the same time gave freedom to laypeople. It allowed them to remain within a school if they so wished, and in fact praised that as a good act,⁶⁰² and assured them that, contrary to what preachers from other schools told them, their worship was valid.

The best way to see what al-Sha‘rānī’s motives were and what the implementation of his ideas meant *in practice* in his time and age, is to look not only at the arguments of the book itself, but to look at other works that described his actual practice as a religious authority and Sufi shaykh. One of the most important and most popular of these works is *al-Baḥr al-mawrūd*, a collection of principles that al-Sha‘rānī lived by as a Sufi guide.⁶⁰³ In it he wrote,

We took an oath not to restrict any of the laypeople among the Muslims to follow one particular school only, not using any of the others, unless that was easy for them. If that was hard for them, we accept every action they do as long as they remain within the fence of a *mujtahid* among the *mujtahids*. This is out of fear of the supplication of the Messenger of God applying to us in his saying: ‘Oh God, he who makes things difficult for my nation, make things difficult for him!’ No

⁶⁰¹ Addas, *Voyage*, 4.

⁶⁰² Al-Sha‘rānī, *al-Mizān al-kubrā*, 1:25.

⁶⁰³ The continued importance given to this work over the years is indicated by the fact that the main manuscript upon which the modern editor relied was made into a religious endowment at a Damascene institute of learning by the city’s most celebrated *ḥadīth* scholar in recent memory, Badr al-Dīn al-Ḥasanī (d. 1935) (See the editor’s introduction to al-Sha‘rānī, *al-Baḥr al-mawrūd*, 26). ‘Badr al-Dīn al-Ḥasanī was considered by many the leading *ḥadīth* scholar of his time in Damascus...His style of life and reputation as a gnostic (*‘ārīf*) were such that many *karāma* (miracle) stories have collected around him.’ (Sedgwick, *Saints & Sons*, 112).

one makes things more difficult for them than he who judges that their worship and dealings and marriage contracts are void because of things not stated clearly by the Sharī'a, nor agreed upon by the imams, and commands them to follow only one school, though there are no prophetic traditions to show that the other schools are false. [Following a school] is a matter of: 'but if anyone does good of his own accord, it is better for him' (2:184).....

It is not correct for the laypeople to follow only one school, nor could they even imagine doing that, and the laypeople have always, in every age, (simply) prayed and fasted with the (other) Muslims, and none of the imams ever told them that their worship is invalid, out of mercy for them. However this restriction has become dominant even with the popular preachers, who have made the people lose hope in their Lord's mercy. I have seen some of them say to the people: 'All of your acts of worship are void because you do not follow a particular school, and if your worship is void, then it is as if you have not prayed, and if you have not prayed, then you are from the wood of the Hellfire.' This made things very difficult for the women and the laypeople, and had I not gone to save them, they would have perished out of hopelessness.⁶⁰⁴

In their assessments of al-Sha'rānī's *al-Mīzān*, Vikør and Pagani believed that it was al-Sha'rānī's teacher 'Alī al-Khawwāṣ who was the source of the main ideas in it.⁶⁰⁵ Pagani held that al-Sha'rānī was more faithful to Ibn 'Arabī in *Kashf al-ghumma*, in which he emphasised the opposition between revealed law and legal reasoning, whereas in *al-Mīzān* he gave prominence to the acceptance of difference of opinion and 'blur[red] the boundaries between revelation and humanly constructed *fiqh*' which meant that it ran 'directly counter to Ibn 'Arabī's intention.'⁶⁰⁶ Ibn 'Arabī's intention, however, was mercy, and he was willing to accept the humanly constructed *fiqh* as a source of mercy and expansion for the Muslims, as it provided them with a plethora of options to choose from. He only criticised it when it was accompanied by the scholars' insistence on limiting people to one school. This is a subtle point that is easy to miss

⁶⁰⁴ Al-Sha'rānī, *Al-Baḥr al-mawrūd*, 223. I have not seen any contemporary scholar refer to this key passage.

⁶⁰⁵ Vikør, 'Shaykh as Mujtahid,' 365; Pagani, 'Meaning of Ikhtilāf,' 180.

⁶⁰⁶ Pagani, 'Meaning of Ikhtilāf,' 205-6.

because Ibn ‘Arabī only mentioned it once. Pagani herself said that *al-Mizān* ‘made it possible to return to the original mildness of the law,’ by preserving all the different opinions in it as correct options,⁶⁰⁷ and this mildness was precisely Ibn ‘Arabī’s intention, which was the basis for both his acceptance and rejection of the *ijtihād* of the schools.

Al-Sha‘rānī’s works in general reveal a very powerful and genuine concern for the wellbeing of his fellow Muslims. What is remarkable, however, is that throughout the majority of his works, especially those dealing with etiquettes and courtesy, he showed great respect and veneration for laypeople based on their different virtues. For example, al-Sha‘rānī held that anyone who practiced a beneficial trade, no matter how menial, was more beneficial to the community, and therefore in some respects superior, to the Sufis and scholars who dedicated all their time to worship or study and depended on alms for a living. Similarly, in the upperclass and the wealthy he saw refined manners worthy of being emulated.⁶⁰⁸ Like his role model Ibn ‘Arabī, al-Sha‘rānī was concerned with being an inheritor of the mercy of the Prophet Muḥammad to all creation. In his autobiography *Laṭā’if al-minan*, which he composed toward the end of his life,⁶⁰⁹ al-Sha‘rānī praised God for having protected him from criticising the opinions of others when he was studying jurisprudence in his youth, and guiding him to accept a multiplicity of opinions. He then quoted Ibn ‘Arabī as stating that the multiplicity of schools and *mujtahids* was a mercy from God, allowing a person to move from one school to another whenever they were faced by constriction or difficulty, but that scholars took this mercy away by forcing people to remain within one school.⁶¹⁰ Because *Kashf al-ghumma* was too radical a solution in al-Sha‘rānī’s time, and might

⁶⁰⁷ Pagani, ‘Meaning of Ikhtilāf,’ 194.

⁶⁰⁸ Sabra dealt with this topic in ‘Illiterate Sufis,’ 158-60.

⁶⁰⁹ In 960/1553.

⁶¹⁰ Al-Sha‘rānī, *Laṭā’if al-minan*, 79.

not have received the approval of the majority of the scholars, al-Shaʿrānī likely sought to re-establish the mercy in the law by the opposite approach, that of *al-Mizān*.

It should be noted here that al-Shaʿrānī had his own *zāwiya* which gave him the ability to be independent. In his time, leadership of religious institutions in Cairo such as *madrasas* and even the *zāwiyas* of the Sufis was given to learned scholars from one of the *madhhabs*, usually the Shāfiʿī.⁶¹¹ Al-Shaʿrānī's *zāwiya* however was a highly prosperous institution, one of the wealthiest four *zāwiyas* in Egypt by his own estimate. 'His revenue-producing property included an island, whole villages with farms, ships, mills and shops. All these were exempt from tolls, taxes, or customs.'⁶¹² This meant that al-Shaʿrānī did not need to represent one of the schools of law. Furthermore he believed that a Sufi shaykh should be able to provide his students all the education that they needed so that they did not need to study elsewhere. Al-Shaʿrānī ensured that his students learned several branches of religious knowledge in his *zāwiya*, including jurisprudence.⁶¹³ He wrote guides to his students on what they needed to learn in every branch of knowledge,⁶¹⁴ and even wrote a book on the basics of Arabic grammar for them so that they would not learn grammar from the books of the grammarians.⁶¹⁵ Al-Shaʿrānī furthermore had the support of highly distinguished representatives of all four schools of jurisprudence, who were themselves attached to Sufi masters, and who venerated him for his piety and exceptional learning. Some of them, like Shihāb al-Dīn al-Futūḥī al-Ḥanbalī, were also admirers of al-Shaʿrānī's Sufi master al-Khawwāṣ.⁶¹⁶ These scholars wrote authorisations in support of each of his major works that he

⁶¹¹ Winter, *Society and Religion*, 220.

⁶¹² Winter, *Society and Religion*, 50.

⁶¹³ Winter, *Society and Religion*, 238.

⁶¹⁴ Al-Shaʿrānī, *al-Durar al-manthūra*, 25-65.

⁶¹⁵ Al-Shaʿrānī, *Lubāb al-iʿrāb*, 29.

⁶¹⁶ Winter, *Society and Religion*, 221-7; *al-Ṭabaqāt al-ṣuḡhrā*, 96-9.

attached at the end of these works.⁶¹⁷ Al-Sha‘rānī even attached seven authorisations from representatives of all four schools to the end of *Kashf al-ghumma*,⁶¹⁸ and when he was attacked for claiming to be an independent *mujtahid*, several prominent scholars came to his defence.⁶¹⁹

5.6 The Influence of Ibn ‘Arabī

One reason that Pagani and Vikør thought that al-Sha‘rānī differed from Ibn ‘Arabī was that al-Sha‘rānī insisted that the *mujtahid* imams could never be wrong and that ‘none of the opinions of the imams is the result of human reasoning, even if they seem to be based on *qiyās*. Thus, while paying lip-service to the Zāhirī rejection of *qiyās*, he voids the principle of its effectiveness.’⁶²⁰ This, for Pagani, is an indication of incoherence, but because al-Sha‘rānī was not a *mujtahid*, she said, he did not need to be coherent.⁶²¹ Pagani here again confused two different arguments of al-Sha‘rānī. He argued that the *ijtihād* of the founding imams could never be wrong because they built their law upon spiritual realities (*ḥaqīqa*) and because of their direct contact with the Prophet. The imams, however, did not give the answer to everything in the law, and their followers continued the job after them. We have shown above how he accepted the *ijtihād* of their followers based on the Akbarī principle that the Prophet approved of the *ijtihād* of the *mujtahids*, and based on the idea that any *ijtihād* that was built on the original law and the sayings of the imams was, by virtue of its connection to them, correct.

⁶¹⁷ Al-Sha‘rānī, *Laṭā’if al-minan*, 93.

⁶¹⁸ Al-Sha‘rānī, *Kashf al-ghumma*, 2:322-37.

⁶¹⁹ Al-Sha‘rānī, *al-Ṭabaqāt al-ṣuḡhrā*, 96-9.

⁶²⁰ Pagani, ‘Meaning of Ikhtilāf’, 206.

⁶²¹ Pagani, ‘Meaning of Ikhtilāf’, 206.

Al-Shaʿrānī's defence of the imams therefore did not diverge from Ibn ʿArabī's position, who, as we have shown, said that the imams never made mistakes. The only difference is that Ibn ʿArabī said that some of the *mujtahid* imams did not have *kashf* and were not aware that their opinions and those of others were divinely inspired, whereas in al-Shaʿrānī's conception, the imams all had *kashf* and they all knew that their opinions could not be wrong because they received them in waking visions from the Prophet. Ibn ʿArabī's position on the imams themselves was only mentioned once in the *Futūḥāt* and perhaps that is why it has been overlooked so far.⁶²²

Al-Shaʿrānī then, took the idea of waking visions of the Prophet as a source of law, which was popularised by none other than Ibn ʿArabī, and applied it to the founding imams even though Ibn ʿArabī himself did not. Al-Shaʿrānī's source for this change of modality in terms of the imams' *ijtihād* is the logic provided by al-Khawwāṣ: if Sufis like himself and other famed saints could meet the Prophet in the waking state and ask him about legal matters, then surely the *mujtahid* imams, who were of the highest rank of sainthood, could do the same. The implication, therefore, remained the same: the imams cannot be wrong. Only the modality was different, because in al-Shaʿrānī's conception, the imams knew that they were not wrong and consciously chose their opinions based on *kashf* and on the understanding that there will be different schools with their own sets of opinions, whereas in Ibn ʿArabī's conception, they did not necessarily know that they were right and they therefore might have doubts about their own opinions and would criticise the opinions of others.

5.6.1 The Extent of the Influence of the *Futūḥāt* on *al-Mīzān*

Having established that al-Shaʿrānī's *al-Mīzān* did not truly diverge from the *Futūḥāt*, I now wish to show the extent to which it was actually based on it. It is true that al-Shaʿrānī referred to his teacher Al-Khawwāṣ by name more than Ibn ʿArabī in

⁶²² Al-Shaʿrānī's 'free summary' of this passage was mentioned in Zysow, *Economy of Certainty*, 282. As stated earlier, this PhD dissertation in *uṣūl al-fiqh* was not referred to in Akbarī studies.

his introduction to *al-Mizān*. However, it seems that al-Shaʿrānī sometimes purposefully omitted the name of Ibn ʿArabī from the texts with which he addressed and criticised jurists in particular. In *Irshād al-ṭālibīn*, for example, a vast majority of the texts came from the *Futūḥāt* without mention of Ibn ʿArabī, as we have indicated earlier. Of course in Islamic scholarship it is acceptable to take entire passages from other scholars without naming the source, but that is not only what al-Shaʿrānī did. For example, in pages 75-6 of *Irshād al-ṭālibīn*, al-Shaʿrānī quoted a passage from the *Futūḥāt* without attribution, in a way that made the passage appear as his own. Following these passages he wished to support his statements by saying, ‘and our shaykh - may God be pleased with him - used to say...’ before quoting two entire pages from the same section in the *Futūḥāt*. The phrasing would make the reader assume that he meant al-Khawwāṣ who had been mentioned previously in the book, when Ibn ʿArabī had not, but that is not the case.⁶²³ Al-Shaʿrānī did the same repeatedly in *al-Mizān*.

After al-Shaʿrānī described his theory of the Scale, he posed a hypothetical question by a reader, on whether he has seen any support for his Scale in the writings of previous scholars, ‘in accepting that the speech of the imams could be attributed to being based on two different situations, and that they all go back to the Sharīʿa.’ Al-Shaʿrānī answered in the affirmative, paraphrasing Ibn ʿArabī in the *Futūḥāt* (vol. 2, 43).⁶²⁴ The first scholar whom he quoted to support his theory was therefore Ibn ʿArabī.⁶²⁵ Al-Shaʿrānī also incorporated many passages from the *Futūḥāt* without attribution, like Ibn ʿArabī’s criticism of the need for analogy in the religion, and the sufficiency of the Qurʾān, using the same examples.⁶²⁶ In other cases, however, he

⁶²³ See al-Shaʿrānī, *Irshād al-ṭālibīn*, 76-9, which is taken from *Futūḥāt*, 1:383-4. See also the comments of the editor Maḥdī ʿArār in the footnotes. These pages are preceded in page 75 by a quote taken from the *Futūḥāt* without attribution, making it appear that it was the words of al-Shaʿrānī himself.

⁶²⁴ Al-Shaʿrānī, *al-Mizān al-kubrā*, 1:20-1.

⁶²⁵ Adam Sabra likewise noted, based on this passage, that al-Shaʿrānī’s main idea behind the Scale came from Ibn ʿArabī (Sabra, ‘Illiterate Sufis,’ 162).

⁶²⁶ Al-Shaʿrānī, *al-Mizān al-kubrā*, 1:25.

purposefully hid the source of his examples. In one section he said that the different value judgements came from different celestial sources: the obligatory came from the Calamus, the recommended from the Tablet, the forbidden from the Throne, the disliked from the Chair, and the permissible from the Lote-Tree. This passage came from the *Futūḥāt*, and al-Shaʿrānī had spoken about it at length in *al-Yawāqīt wa-l-jawāhir*, where he of course attributed it to Ibn ʿArabī. In *Irshād al-ṭālibīn*, however, being a book directed at jurists, and in which he wished to display the knowledge of the saints, he did not give a source for the passage,⁶²⁷ and in *al-Mizān* he attributed it to the ‘consensus of the people of authentic unveiling.’⁶²⁸

In a later discussion where al-Shaʿrānī discussed the connection of all the scholars to a single source, and how those who fully implement the law will arrive at witnessing this source and will no longer adhere to a single school, al-Shaʿrānī named Ibn ʿArabī as his source, but paraphrased the passage he used.⁶²⁹ Following that he said, ‘I heard my master ʿAlī al-Khawwāṣ - may God have mercy on him- say,’ before quoting another key passage from the *Futūḥāt*; this passage, al-Shaʿrānī wrote, ‘is a great testimony to the Scale because it shows the correctness of both opinions: is every mujtahid correct or not?’⁶³⁰ Furthermore this passage is of such complexity that he would have needed to copy it from the *Futūḥāt* and could not have attributed it wrongly to al-Khawwāṣ based on memory. On the very following page of *al-Mizān*, al-Shaʿrānī openly quoted from the *Futūḥāt*, but then followed it by another lengthy paraphrase from the *Futūḥāt* which he prefaced by saying, ‘I heard one of the people of unveiling say....’⁶³¹ Therefore it is clear that al-Shaʿrānī did not wish to show the extent of his

⁶²⁷ Al-Shaʿrānī, *Irshād al-ṭālibīn*, 66-7. See the footnotes by D. ʿArār, and the source being *Futūḥāt*, 1:438.

⁶²⁸ Al-Shʿarānī, *al-Mizān al-kubrā*, 1:37.

⁶²⁹ Al-Shaʿrānī, *al-Mizān al-kubrā*, 1:39. This passage from the 73rd chapter of the *Futūḥāt* was quoted above.

⁶³⁰ Al-Shaʿrānī, *al-Mizān al-kubrā*, 1:40. The passage is from *Futūḥāt*, 2:43.

⁶³¹ Al-Shaʿrānī, *al-Mizān al-kubrā*, 1:40. The passage is from *Futūḥāt*, 3:400.

reliance on a single source, especially one as suspect, in the eyes of many jurists, as Ibn ‘Arabī.

5.6.2 Al-Khawwāṣ and Ibn ‘Arabī

Pagani, who believed al-Khawwāṣ to be the main source behind *al-Mīzān*, stated that although he was illiterate and therefore unable to read Ibn ‘Arabī, ‘often spoke like him.’⁶³² Beside the possibility that Ibn ‘Arabī’s teachings had reached al-Khawwāṣ through his own masters, the main reason for the similarity in the content of their teaching is probably because al-Sha‘rānī would sometimes discuss what he read in Ibn ‘Arabī’s works with his master.⁶³³ His master’s explanations and confirmations would have been the source for the passages in *al-Mīzān* which so often seemed to repeat what Ibn ‘Arabī said in different words. Furthermore, al-Sha‘rānī did not quote his master verbatim. As he stated in *Durar al-ghawwāṣ*, a book in which he collected many of his master’s answers to questions he posed to him, al-Khawwāṣ did not possess the tools to express difficult concepts in technical terms, and al-Sha‘rānī therefore took what he understood from his master’s teachings and put it in his own words.⁶³⁴ The influence of Ibn ‘Arabī’s writings on al-Sha‘rānī’s thought, therefore, would have influenced his presentation of his immediate master’s teachings.

5.7 Conclusion

In this chapter I have shown the extent of the influence of Ibn ‘Arabī’s teachings on al-Sha‘rānī’s thought in general, and his theory of the Scale in particular. I have argued that *al-Mīzān al-kubrā* was not a divergence from al-Sha‘rānī’s earlier writings, or from the teachings of Ibn ‘Arabī, but that it was just as faithful to Ibn ‘Arabī’s teachings as *Kashf al-ghumma*. Both works, though seemingly very different,

⁶³² Pagani, ‘Meaning of Ikhtilāf,’ 180.

⁶³³ See for one example, al-Sha‘rānī, *Durar al-ghawwāṣ*, 14.

⁶³⁴ Al-Sha‘rānī, *Durar al-ghawwāṣ*, 5.

highlighted different aspects of the thought of Ibn ‘Arabī. One highlighted the rejection of the derivations of the scholars, and one highlighted their acceptance. Even in the case of the latter approach, however, the option to ignore the derivations was still present. The Scale aimed to restore the mercy in the law by allowing Muslims to treat all the schools of jurisprudence as one all-encompassing school, or rather to treat the Sharī‘a as the sum of all the schools, giving the Muslims the freedom to choose the options that suited their different circumstances and abilities, should they wish to follow the opinions of the scholars.

In practice, this did not amount to a return to the authority of the scholars because it allowed the Muslim to freely choose which opinions he wanted rather than abiding by the schools of law, and to use the book as a practical guide instead of referring to the scholars. The theory of the Scale was the result and culmination of decades of careful study and reflection upon the principles of law that Ibn ‘Arabī scattered throughout his *Futūḥāt*. *Al-Mizān al-kubrā* in fact was a more complete representation of Ibn ‘Arabī’s ideas and was therefore more faithful to his teachings than *Kashf al-ghumma*. While *Kashf al-ghumma* only displayed one part of his aims, the rejection of the need to follow the derivations of the scholars, *al-Mizān al-kubrā* kept this aspect while also showing the acceptability of acting upon these derivations as long as they were presented together as one whole. Ibn ‘Arabī of course not only approved of the different opinions of the imams but gave a spiritual or inspired justification for all their different opinions and derivations over hundreds of pages. Al-Sha‘rānī did exactly the same, except that his explanations and justifications were at a far simpler level of understanding, and more accessible to the layperson. Therefore in practical terms, the bulk of the *Mizān* mirrored the *fiqh* section of the *Futūḥāt*, which showed the inspired reasoning behind the different positions of the schools. It is easy to forget this fact when one focuses on the theoretical preface of the *Mizān* and Ibn ‘Arabī’s jurisprudential discussions. What was novel about al-Sha‘rānī’s work, however, was the gradation of these opinions into different levels of stringency. By making these ideas more accessible

to the layperson, one could argue that *al-Mīzān al-kubrā* was able to achieve Ibn ‘Arabī’s own goals of making the law easier for the laypeople more than the *Futūḥāt* itself.

Chapter 6: Aḥmad ibn Idrīs and the Implementation of Ibn ‘Arabī’s Jurisprudence in the 19th Century

It would be difficult to know how many Sufis and scholars followed the jurisprudential thought of Ibn ‘Arabī when it came to their own private worship, regardless of the school to which they might have officially been affiliated to.⁶³⁵ In the nineteenth century, however, we have a remarkable phenomenon in which the jurisprudential thought of Ibn ‘Arabī was implemented and followed on a large scale by the different Sufi *ṭuruq* and scholars that constituted the Idrīsī tradition. It was perhaps the first time that the *madhhab* of Ibn ‘Arabī, as a set of principles of jurisprudence and positive law, became ‘alive’ as a school. So far, however, all scholarship has attributed these teachings to the direct *ijtihād* of the eponymous founder of the Idrīsī tradition, Aḥmad ibn Idrīs (d. 1837), and overlooked the influence of Ibn ‘Arabī. This is because Ibn Idrīs was a highly accomplished scholar, a master of Islamic disciplines such as *ḥadīth* and Qur’ānic exegesis, who proclaimed himself to be a fully independent *mujtahid*. Ibn Idrīs was also treated as an inspired authority by his students, and did not feel the need to cite any previous authorities. Ibn Idrīs’ biographer O’Fahey wrote,

What is striking is how rarely he ever cites any previous authorities; in his lectures Ibn Idrīs interprets the Qur’ān and Sunna ‘straight’ on his own authority. For him, *ijtihād* was a real and living process, not an abstract ideal. In his lectures, there are occasional references to al-Ḥakīm al-Tirmidhī, al-Ghazālī, al-Shādhilī, but there are as many references to poets (usually unnamed) when a few lines seem to express well what he wishes to say...

⁶³⁵ It was not uncommon throughout Muslim history for scholars to take official positions as judges or muftis in one school, due to state sponsorship or other reasons, even though their own personal convictions and private worship were according to another.

Thus, Ibn Idrīs seems not only to have claimed the right to and to have exercised absolute (*muṭlaq*) *ijtihād*, but to have deliberately defied the sad judgement of Ibn Khaldūn, ‘The person who would claim independent judgement nowadays would be frustrated and have no adherents.’⁶³⁶

Ibn Idrīs certainly did interpret the Qur’ān and Sunna ‘straight’ on his own authority as O’Fahey put it, and he did so frequently, and he had all the intellectual tools and qualifications needed to do so. However, when it came to Ibn Idrīs’ most important teachings on jurisprudence, and the very ideas behind his own claim to *ijtihād* in the first place, I will demonstrate in this chapter that, for the most part, Ibn Idrīs was applying and popularising the opinions and principles of Ibn ‘Arabī.

6.1 The Life of Aḥmad ibn Idrīs: An Overview

Aḥmad ibn Idrīs was a nineteenth century Moroccan Sufi and scholar who spent more than thirty years preaching in the Ḥijāz, mostly in Mecca, where he acquired great fame and attracted a great deal of outstanding and highly influential students. In the estimation of Itzhak Weismann, Ibn Idrīs was one of ‘the two most outstanding religious reformers of the premodern era of Islam.’⁶³⁷ John Voll summed up the range of the achievements of the Idrīsī tradition,

The achievement of Aḥmad ibn Idrīs was not the establishment of a single mass movement for revitalising Islam. What he did accomplish was to lay the foundations for an important revivalist tradition in Islam. The Idrīsī tradition gave birth to leaders of holy wars, men who established religious states, and a number of important centralised tariqas. It was an important feature of the Islamic world in the nineteenth and early twentieth centuries. Its success was such that observers at the end of the nineteenth century felt that it was the source of much of the Islamic dynamism of the time.⁶³⁸

⁶³⁶ O’Fahey, *Enigmatic Saint*, 199.

⁶³⁷ The other being Shaykh Khālīd of the Naqshbandiyya (Weismann, *Taste of Modernity*, 2).

⁶³⁸ J.O. Voll, ‘A History of the Khatmiyyah Tariqah in the Sudan.’ PhD. thesis, Harvard 1969, 103. As quoted by O’Fahey, *Enigmatic Saint*, 19-20.

The life of Ibn Idrīs has been studied extensively by now, so we will only concern ourselves with those aspects of his life that directly relate to the subject at hand before we come to his teachings.⁶³⁹

Aḥmad ibn Idrīs was born in Morocco in 1750 to a family of prophetic descent, and memorised the Qur'ān and several Islamic texts before going to Fez at the age of twenty to study at the Qarawiyyīn, one of the Muslim world's leading centres of religious learning. At that time, reforms had been instituted by the sultan Mūlāy Muḥammad (r. 1757-1789) which were in some ways similar to those of the Almohad sultans at the time of Ibn 'Arabī. This sultan encouraged a focus on Qur'ānic exegesis, canonical collections of prophetic traditions, and early works of jurisprudence, rather than the short codified compendia of law (*mukhtaṣars*) that had become popular since the 7th/13th century.⁶⁴⁰ One of Ibn Idrīs' main teachers at the Qarawiyyīn was the great traditionist Ibn Sūda, described by the Egyptian historian al-Jabartī as 'the crescent of the Muslim West,' who authored a major commentary on *Ṣaḥīḥ al-Bukhārī*, and was 'one of the most influential scholars of his day in Morocco, both politically and intellectually.'⁶⁴¹ Ibn Sūda taught Ibn Idrīs the six canonical collections of prophetic traditions, as well as other texts on the science of *ḥadīth*.⁶⁴² These reforms gave Ibn Idrīs the opportunity to master the *ḥadīth* sciences and the science of Qur'ānic exegesis

⁶³⁹ For more on the life and teachings of Ibn Idrīs see O'Fahey, *Enigmatic Saint*, 27-106; Sedgwick, *Saints & Sons*, 9-26; Vikør, *Sufi and Scholar*, 100-118; Bang, *Idrīsī State*, 35-55; Dajani, *Reassurance*, 1-15; Thomassen and Radtke, *Letters*, 1-7; al-Ja'farī, *al-Muntaqā al-naḥs*, 13-92; Yaḥyā, *Madrasat Aḥmad ibn Idrīs*, 41-255.

⁶⁴⁰ For more on the nature of these reforms see Vikør, *Sufi and Scholar*, 36-9. The sultan did not encourage full independent *ijtihād* and declared his loyalty to the Mālikī school in jurisprudence. He did oppose the blind imitation of the Mālikī school, however, encouraging a limited form of *ijtihād*: *ijtihād bil-fatwā* (Vikør, *Sufi and Scholar*, 38). This simply meant that muftis were encouraged to evaluate the different positions within the Mālikī school and give their preference based on the circumstance, rather than abiding by the 'preferred' or standard opinion of the school at all times. These moderate reforms are a far cry from the type of *ijtihād* that Ibn Idrīs would call for, but they provided Ibn Idrīs with the necessary tools, resources, and skills to engage directly with the revealed sources and early works of law, which would allow him to practice his independent *ijtihād*.

⁶⁴¹ O'Fahey, *Enigmatic Saint*, 35-6.

⁶⁴² O'Fahey, *Enigmatic Saint*, 36.

for which his lessons became famous. Ibn Idrīs excelled as a student and became a teacher in Fez himself in the 1780's and 1790's.

These policies of Mūlāy Muḥammad may have prepared the way for Ibn Idrīs' exposure to Ibn 'Arabī, whose teachings he took from his Sufi teachers in Fez. Ibn Idrīs' teachings on *ijtihād*, however, went far beyond the conservative Moroccan reforms. For example, Ibn Idrīs' disciple Muḥammad ibn 'Alī al-Sanūsī (d. 1859) had studied in the same milieu as that of Ibn Idrīs in Fez, underwent a similar education, and shared at least one teacher with him, Ibn Kīrān (d. 1812), and yet he was shocked when he was confronted with the teachings of Ibn Idrīs. Al-Sanūsī first met Ibn Idrīs in Mecca. He wrote, 'I did not accept him for not following the schools of law. I said to myself, "He is a Khārijī!"' It was only after repeated dream visions of the Prophet that al-Sanūsī came to accept Ibn Idrīs as a spiritual authority and submitted himself to him as his disciple.⁶⁴³ Regarding the similar education that Ibn Idrīs and al-Sanūsī received, Vikør wrote,

It is significant that the milieus in which Ibn Idrīs and al-Sanūsī moved in Fez were similar. The same names occur, albeit at one link removed in the chain of teachers. Thus what may be said of al-Sanūsī's studies must to a large degree also be said of Ibn Idrīs; with the proviso that he left twenty years earlier and that he was older when he left than al-Sanūsī was.⁶⁴⁴

We will now look at Ibn Idrīs' Sufi teachers and his links to Ibn 'Arabī. While studying at the Qarawiyyīn, Ibn Idrīs learned Sufism from a different set of teachers than his teachers of the Sharī'a. His main spiritual guide was 'Abd al-Wahhāb al-Tāzī (d. 1792 or 1798) with whom he spent four years until al-Tāzī's death. He was considered a master in two ancient Sufi paths: the Shādhiliyya and the Naqshbandiyya, as well as a third new spiritual path, the Khaḍiriyya, that began with his own teacher,

⁶⁴³ O'Fahey, *Enigmatic Saint*, 134-5, with some modifications to the translation. Unfortunately O'Fahey did not understand al-Sanūsī's statement '*hādhā khārijī*' (meaning, 'This man is a Khārijī') and translated it instead as 'This is foreign (strange)'.

⁶⁴⁴ Vikør, *Sufi and Scholar*, 103.

‘Abd al-‘Azīz al-Dabbāgh (d. 1132/1720). Ibn Idrīs took all three of these paths from al-Tāzī,⁶⁴⁵ as well as others including the Ḥātimiyya of Ibn ‘Arabī, all of which he passed on to al-Sanūsī.⁶⁴⁶

The Naqshbandī and Ḥātimī paths that Ibn Idrīs took from al-Tāzī connected him to Ṣafī al-Dīn al-Qushāshī (d. 1071/1661), a highly influential Sufī and scholar in Medina who left behind a long-lasting legacy. Though famous as a Naqshbandī master, al-Qushāshī was also known as the foremost expounder of Ibn ‘Arabī’s teachings in the Ḥijāz, a role that was continued by his student Ibrāhīm al-Kūrānī (d. 1101/1689).⁶⁴⁷ For Ibn Idrīs, however, the most important chain that al-Tāzī gave to him was that of al-Tāzī’s teacher ‘Abd al-‘Azīz al-Dabbāgh (d. 1132/1719) because of its short chain. This path was called the Khaḍiriyya because al-Dabbāgh claimed to have received it from al-Khaḍir, who was, in the words of Ibn Idrīs, ‘the most complete of the solitary ones (al-*fard al-jāmi*’).’⁶⁴⁸ As stated in Chapter Three (Section 3.1), Ibn ‘Arabī had called the spiritual station of the *afrād* the *maqām al-qurba*; he also wrote that when he arrived at this spiritual station he was told that al-Khaḍir was with him in this station.⁶⁴⁹

Al-Dabbāgh had another disciple by the name of Aḥmad ibn al-Mubārak al-Lamaṭī who was a highly accomplished Moroccan scholar.⁶⁵⁰ This scholar wrote down the teachings of his unlettered spiritual master in *al-Ibrīz*, which would become one of the most popular Sufī works ever written. Al-Lamaṭī often supplemented al-Dabbāgh’s teachings with the writings of al-Tirmidhī, Ibn ‘Arabī and al-Sha‘rānī.⁶⁵¹ According to al-Lamaṭī, al-Dabbāgh could verify the authenticity of prophetic traditions based on his

⁶⁴⁵ O’Fahey, *Enigmatic Saint*, 53.

⁶⁴⁶ See al-Sanūsī, *al-Manhal*, 48; *al-Salsabīl*, 45-6.

⁶⁴⁷ On these two figures and their role in spreading the teachings and works of Ibn ‘Arabī, see Taji-Farouki in Ibn ‘Arabī, *A Prayer*, 32-5.

⁶⁴⁸ From the letter of Ibn Idrīs to his disciple al-Mirghanī, in Thomassen and Radtke, *Letters*, 64.

⁶⁴⁹ Ibn ‘Arabī, *Futūḥāt*, 2:261-2.

⁶⁵⁰ See the testimonies of local biographers and chroniclers on al-Lamaṭī in O’Kane and Radtke (ed.), in *Pure Gold*, xi.

⁶⁵¹ On the sources used by al-Lamaṭī in *al-Ibrīz* see Radtke, ‘Ibrīziana,’ 129-156.

spiritual unveiling, because he could see a light that would accompany the words of a true prophetic statement as it came out of the mouth of the speaker. Al-Lamaṭī dedicated a chapter of his book to the traditions whose meanings he asked al-Dabbāgh to solve, including a list of traditions whose authenticity he asked his master to verify.⁶⁵² Among al-Dabbāgh's teachings is that a saint who has received spiritual illumination will always know right from wrong and is not bound to any school of law. This, according to al-Lamaṭī, in words reminiscent of Ibn 'Arabī's teachings, is because they are constantly in the presence of the Prophet and in a state of spiritual witnessing of God, so that they know what God and His Messenger intended in the obligations that they made. Even if all the schools of law vanished from the earth, such a saint would be able to revive the Sharī'a, but it is only the most perfect saints at the very top of the hierarchy, who know the Sharī'a in its entirety.⁶⁵³ Thanks to the scholarship of al-Lamaṭī, Ibn Idrīs could have the teachings of his spiritual guide al-Dabbāgh side by side with those of al-Tirmidhī, Ibn 'Arabī and al-Sha'rānī in one work.⁶⁵⁴

After the death of al-Tāzī and then a subsequent shaykh, Ibn Idrīs described meeting with the Prophet Muḥammad and al-Khaḍir in a waking vision. In this vision Ibn Idrīs was given his own litanies to form the basis of his own spiritual way.⁶⁵⁵ In the year 1799, at the age of forty-nine, Ibn Idrīs arrived in Mecca, intending to spend the rest of his life in the two holy sanctuaries. He spent almost thirty years there, teaching mostly in Mecca but also in Medīna and al-Ṭā'if.

Ibn Idrīs attracted a great following in Mecca and taught a circle of some of the Muslim world's greatest scholars and Sufis who would change the face of the Muslim world and its history. Chief among them is Muḥammad ibn 'Alī al-Sanūsī, Muḥammad 'Uthmān al-Mirghanī (d. 1852) and Ibrāhīm al-Rashīd (d. 1874), whose *ṭuruq*, being

⁶⁵² It is in fact the first chapter in the book after the author's introduction to his master.

⁶⁵³ Al-Lamaṭī, *al-Ibrīz*, 325-6.

⁶⁵⁴ That Ibn Idrīs studied this work is clear from a passage recorded from one of his lessons, in which Ibn Idrīs repeated al-Lamaṭī's list of what he believed were among the three greatest afflictions to happen to the *ummah*. Compare Ibn Idrīs, *al-Iqd al-naḥs*, 28-29 with al-Lamaṭī, *al-Ibrīz*, 395-8.

⁶⁵⁵ O'Fahey, *Enigmatic Saint*, 48.

extensions of that of Ibn Idrīs, attracted huge followings and left a great impact on the Muslim world.

In Mecca, Ibn Idrīs' teachings against *taqlīd* and his claim to absolute *ijtihād* aroused the anger of many scholars. The local Meccan scholars attempted to test Ibn Idrīs but he proved himself as both a *mujtahid* as well as an expert traditionist.⁶⁵⁶ In a final attempt, the scholars asked the great Egyptian scholar and Sufi, Aḥmad al-Ṣāwī (d. 1825), who had come on pilgrimage, to debate him. Al-Ṣāwī lost the debate to Ibn Idrīs and even requested initiation into Ibn Idrīs' path!⁶⁵⁷

In 1827, Ibn Idrīs moved to the Yemen where he spent the last ten years of his life, having left al-Sanūsī as his representative in Mecca.⁶⁵⁸ He was well-received by the scholars of Yemen and the chief judge of Ṣan'ā', Muḥammad al-Shawkānī (d. 1834), 'lavished praise on him and advised people to obtain as much of his learning as possible.'⁶⁵⁹ Although they never met, they had corresponded with each other by mail. Ibn Idrīs finally settled in Ṣabyā, where he would be buried. A great number of students from the Sudan, East Africa, and the Arabian Peninsula's Red Sea coast flocked towards him.⁶⁶⁰

Ṣabyā was in the area of 'Asīr, then part of the Yemen but today part of Saudi Arabia. The influx of Sufis to the Yemen aroused the anger of the local Wāḥḥābī scholars of 'Asīr who set up a debate with Ibn Idrīs, which was recorded by one of his students. One of the central topics of debate was around the Wāḥḥābī scholars' accusation that Ibn Idrīs adhered to the 'creed' of Ibn 'Arabī.⁶⁶¹ As O'Fahey noted, the

⁶⁵⁶ O'Fahey, *Enigmatic Saint*, 77.

⁶⁵⁷ O'Fahey, *Enigmatic Saint*, 14-15, 77.

⁶⁵⁸ Vikør, *Sufi and Scholar*, 184.

⁶⁵⁹ 'Ākīsh, *Munāẓara*, 153; O'Fahey, 'Enigmatic Imam,' 207.

⁶⁶⁰ 'Ākīsh, *Munāẓara*, 146-7.

⁶⁶¹ 'Ākīsh, *Munāẓara*, 159.

arguments made by Ibn Idrīs in defence of Ibn ‘Arabī were similar to the arguments of al-Sha‘rānī.⁶⁶²

The Yemeni Mufti ‘Abd al-Raḥmān ibn Sulaymān al-Ahdal (d. 1835), who became Ibn Idrīs’ disciple, wrote that both the elect and the laymen benefitted greatly from the arrival of Ibn Idrīs in Yemen because they saw in his worship and in his dealings a model of perfect following of the Prophet. ‘This is especially apparent in the prayer for he....prays in the most perfect way as described in the authentic prophetic traditions.’⁶⁶³ Al-Ahdal was pointing to the fact that Ibn Idrīs’ prayer did not conform to any single school of law and matched instead the traditions in the most canonical collections of traditions. What al-Ahdal himself might not have known, however, was that Ibn Idrīs built his complete description of prayer, not by combing through the books of traditions and deciding on the most authentic narrations, but by combing through the *Futūḥāt* and following Ibn ‘Arabī’s preferences to the letter. I will show this in a detailed comparison of their jurisprudence. Before we come to this, however, we must first examine the influence of Ibn ‘Arabī on the thought and practice of Ibn Idrīs in general.

6.2 Ibn Idrīs as Heir to Ibn ‘Arabī

We have seen how the Wahhābī scholars of ‘Asīr accused Ibn Idrīs of being a follower of Ibn ‘Arabī, and how Ibn Idrīs defended Ibn ‘Arabī in those debates. The reason behind this accusation is that after Ibn Idrīs finished his daily teaching sessions, his closest students would hold their own gathering in which they studied together Ibn ‘Arabī’s most controversial work *Fuṣūṣ al-ḥikam* (*The Bezels of Wisdom*), as well as Ibn al-Fāriḍ’s poem *al-Tā’iyya* with its commentary by Dāwūd al-Qaysarī (d. ca. 748/1347), a direct spiritual descendant of Ibn ‘Arabī. These sessions were attended by a jurist who did not approve of what he heard and sent a complaint to the local ruler. It should be

⁶⁶² O’Fahey, *Enigmatic Saint*, 104.

⁶⁶³ Al-Ja‘farī, *al-Muntaqa l-nafīs*, 32-3.

noted that O'Fahey misunderstood the relevant passages to mean that it was Ibn Idrīs himself who led this final session of each day, teaching his innermost circle these works from the school of Ibn 'Arabī, a mistake that was followed by subsequent authors and translators.⁶⁶⁴ Although Ibn Idrīs did not himself teach in those sessions, he did instruct his disciples to study Ibn 'Arabī's work. We are informed of Ibn Idrīs' recommended curriculum for his disciples in a letter written by al-Sanūsī. In terms of the Sharī'a, Ibn Idrīs' instructions were to study several collections of prophetic traditions, especially those pertaining to jurisprudential matters, 'for it is not permissible for anyone to embark upon anything without knowing God's ruling on the matter and its proof.'⁶⁶⁵ Recommended were *Ṣaḥīḥ al-Bukhārī*, the *Muwatta'* of Mālik, Ibn Ḥajar al-'Asqalānī's *Bulūgh al-Marām*, a work of the *aḥādīth al-aḥkām* genre, and Ibn Abī Zayd's *Risāla* in Mālikī jurisprudence, which was recommended for its high content of prophetic traditions. In terms of Sufism, seven treatises were recommended, three of which were those of Ibn 'Arabī: a collection of aphorisms, *Fuṣūṣ al-ḥikam*, and the *Futūḥāt*.⁶⁶⁶

It seems likely that Ibn Idrīs was considered by his students to be an heir to Ibn 'Arabī, or even to have surpassed him. The great exponent of Akbarī doctrine in Medina, Ṣafī al-Dīn al-Qushāshī, to whom Ibn Idrīs was connected through al-Tāzī, had argued that the Seal of Muḥammadan Sainthood was not a station reserved for a single person, Ibn 'Arabī himself, but a spiritual rank that remained accessible until the end of time, with one man reaching it for every epoch. Al-Qushāshī himself laid claim to having reached that station.⁶⁶⁷ Al-Sha'rānī had also claimed that there was a Seal for

⁶⁶⁴ See O'Fahey, *Enigmatic Saint*, 94; Thomassen and Radtke, *Letters*, 3; as well as the translation of the text in question by Radtke et al. in *Exoteric*, 179-183. When carefully read, the passages clearly show that those sessions were those of Ibn Idrīs' innermost circle studying amongst each other, without Ibn Idrīs himself. See 'Ākish, *Munāẓara*, 147-150.

⁶⁶⁵ Al-Ja'farī, *A'tār*, 110.

⁶⁶⁶ Al-Ja'farī, *A'tār*, 110. The aphorisms of Ibn 'Arabī, *al-Ḥikam al-ḥātimiyya*, also known as *al-Ḥikma al-ḥātimiyya*, is not to be confused with *al-Ḥikam al-'Aṭā'iyya* which were also part of the seven recommended works.

⁶⁶⁷ Al-Qushāshī, *al-Ṣimṭ al-majīd*, 183..

every epoch.⁶⁶⁸ It is most likely that the disciples of Ibn Idrīs believed that their master was among those who followed Ibn ‘Arabī in attaining that rank. Ibn Idrīs never claimed such a rank for himself, but he quoted one of his own students who had reportedly asked the Prophet in a dream about the rank of his teacher. The Prophet had replied, ‘My son Aḥmad is a *quṭb* unlike any other *quṭb*, a *ghawth* unlike any other *ghawth*, a *fard* unlike any other *fard*... above them all and a source for them all.’⁶⁶⁹

Regarding their views of their teacher, al-Sanūsī described him in one letter as *khātimat al-‘arīfīn al-aqtāb al-‘izām* (the seal of the great poles and knowers of God).⁶⁷⁰ He also wrote of a vision he saw in which one of the great saints from the preceding generation, Muḥammad al-Sammān, told him that none of the greatest of the saints in the history of the Muslim nation, neither Abū Yazīd, Sahl al-Tustarī, ‘Abd al-Qādir al-Jīlānī, nor Ibn ‘Arabī al-Ḥātīmī, reached anything even near the status of Ibn Idrīs.⁶⁷¹ In a more revealing comparison by al-Mirghanī, the student wrote that his master ‘surpassed al-Shaykh al-Akbar Ibn ‘Arabī in knowledge and its subtleties, and surpassed al-Ḥakīm al-Tirmidhī in what he received of speech that was sent to him.’⁶⁷² This last remark is of great importance in showing us that, in the eyes of his disciples, Ibn Idrīs was a continuation of these two figures in particular: al-Tirmidhī and Ibn ‘Arabī. Ibn Idrīs was not only seen as a continuation of these two figures but as having surpassed each of them in what they were most known for: Ibn ‘Arabī in the spiritual realities he spoke of, and al-Tirmidhī in Heavenly Speech.⁶⁷³

Among the greatest reflections of Ibn Idrīs’ mastery of Ibn ‘Arabī’s doctrine are his litanies (*awrād*) and his fourteen formulas of invoking blessings upon the Prophet

⁶⁶⁸ Al-Sha‘rānī, *al-Ajwiba al-marḍiyya*, 54-5; *al-Ṭabaqāt al-kubrā*, 326.

⁶⁶⁹ Ibrāhīm al-Rashid, ‘*Uqūd al-Durar*, in al-Ja‘farī, *A‘ṭār*, 28.

⁶⁷⁰ From a letter by al-Sanūsī in al-Ja‘farī, *A‘ṭār*, 111. This indicates that al-Sanūsī may have viewed his teacher as the seal of sainthood in their epoch.

⁶⁷¹ Al-Ja‘farī, *al-Muntaqa l-nafīs*, 41.

⁶⁷² Al-Ja‘farī, *al-Muntaqa l-nafīs*, 39.

⁶⁷³ Al-Tirmidhī was probably associated with Heavenly Speech because he was the first to describe it in detail (see Chapter One, Section 1.3).

(*ṣalawāt*). O’Fahey, who attempted to downplay the importance that Ibn Idrīs gave to the ‘mystical philosophy of Ibn al-‘Arabī and the issue of *waḥdat al-wujūd*,’ commented that Ibn Idrīs’ invocations of blessings upon the Prophet and the commentaries that were subsequently written on them ‘imply an acceptance of Ibn al-‘Arabī’s theosophy.’⁶⁷⁴ Vikør on the other hand rejected any such downplay of the importance of Ibn ‘Arabī’s teachings to Ibn Idrīs, reminding us that *Fuṣūṣ al-ḥikam* was ‘on the list of recommended reading for the students.’⁶⁷⁵ In fact, the litanies and *ṣalawāt* of Ibn Idrīs displayed not only an acceptance, but a mastery of Akbarī doctrine, which is why Akbarī experts were required to unlock them.

The Egyptian Muḥammad al-Hajrasī (d. 1910), a student of Ibn Idrīs’ close disciple al-Rashīd, wrote a large commentary on the same fourteen *ṣalawāt* in which he claimed to clarify the meaning of *waḥdat al-wujūd* in a way that both the elite and the layperson could understand, show its conformity to the law, and also explained the most problematic passages in the *Futūḥāt al-makkiyya* and the *Fuṣūṣ*. Al-Hajrasī called this Akbarī commentary on Ibn Idrīs’ *ṣalawāt*: *al-Futūḥāt al-Madaniyya al-Hajrasiyya*.⁶⁷⁶ Upon his return to Egypt, the Ottoman Commissioner Aḥmad Mukhtār al-Ghāzī Pasha, who was in the words of O’Fahey an ‘Ibn Idrīs enthusiast,’ urged al-Hajrasī to write a more accessible abridgement of the original which became *al-Jawhar al-naḥīs fī ṣalawāt*

⁶⁷⁴ O’Fahey, *Enigmatic Saint*, 209. Likewise Levtzion believed that ‘Rejection of Ibn ‘Arabī’s teaching, particularly *waḥdat al-wujūd*, is counted among the characteristics of the reformist Sharī‘a-oriented *ṭuruq*,’ (Levtzion, ‘Sharī‘a-oriented Sufi *Ṭuruq*’ 382). This idea can no longer hold weight, with al-Qushāshī, al-Kūrānī, Ibn Idrīs, al-Sanūsī and others being dedicated teachers of his theological writings. Similarly, early Tijānī writers like al-‘Arabī al-Sāyih who systematised the thought of Aḥmad al-Tijānī, relied heavily on Ibn ‘Arabī and al-Sha‘rānī in their works. Levtzion also claimed that ‘Ibn ‘Arabī’s mysticism engendered religious tolerance among Sufis who lived in mixed societies and blurred meaningful lines between religions,’ (383). Addas, however, showed that this was not the case and that Ibn ‘Arabī’s ‘ecumenism was strictly subordinate to respect of the Law’ which, ‘when it comes to maintaining the territorial integrity of *dar al-islam*...calls for firmness and rigour.’ (See Addas, *Voyage*, 119-20).

⁶⁷⁵ Vikør, *Sufi and Scholar*, 271.

⁶⁷⁶ Al-Hajrasī, *al-Jawhar al-naḥīs*, 14.

Ibn Idrīs.⁶⁷⁷ Shaykh Muḥammad al-Dandarāwī (d. 1911), the main deputy and successor of al-Rashīd, asked the Damascene scholar Bahā' al-Dīn al-Bīṭār (d. 1910) to write a more accessible commentary on the fourteen *ṣalawāt* than that of al-Hajrasī. The reason al-Dandarāwī chose al-Bīṭār is because he was known for his 'proficiency in al-Shaykh al-Akbar's teaching,' and 'was a prolific author, primarily of commentaries on the works of Ibn 'Arabī and his school.'⁶⁷⁸ Incidentally, another great scholar of the Bīṭār family before him, 'Abd al-Razzāq al-Bīṭār (d. 1916), was also asked, this time by his own brother, to explain a statement of Ibn Idrīs, which he did, 'demonstrating his proficiency in the Akbarī teaching.'⁶⁷⁹ This Bīṭār had learned and mastered Ibn 'Arabī's doctrine at the hands of 'Abd al-Qādir al-Jazā'irī (d. 1883), whose teachings will be briefly discussed at the end of this chapter. The devotional literature of Ibn Idrīs was therefore seen as a distillation of Ibn 'Arabī's teachings by several later Sufis.

For Ibn 'Arabī, the higher realities that he taught were never separate from the laws of the Sharī'a, as his crossover from the law to its inward realities shows time and time again throughout his jurisprudential discussions in the *Futūḥāt*.⁶⁸⁰ Therefore much of Ibn 'Arabī's teachings on *Ḥaqīqa* can be found in his discussions on Sharī'a. I have found that Ibn Idrīs had studied Ibn 'Arabī's inspired explanations of the Law to the point of mastery, and this will be the first step to discovering the extent to which he knew, and applied, the Akbarī school of jurisprudence. However, before we come to this, we will first look at some spiritual practices of Ibn 'Arabī that Ibn Idrīs incorporated into his own *ṭarīqa*.

⁶⁷⁷ Al-Hajrasī, *al-Jawhar al-nafīs*, 14; O'Fahey, *Enigmatic Saint*, 167-9. The original *al-Futūḥāt al-Madaniyya* is now lost.

⁶⁷⁸ Weismann, *Taste of Modernity*, 255-6. Weismann noted that though he was a prolific author, this commentary was his only printed treatise. More recently, Farīd al-Mizyadī printed large extracts from one of this author's treatises in footnotes to Najm al-Dīn Kubrā's great esoteric commentary on the Qur'ān (see bibliography). The extracts reveal his great mastery of Akbarī thought and also quote Ibn Idrīs's Akbarī teachings too.

⁶⁷⁹ Weismann, *Taste of Modernity*, 210; Al-Bīṭār, *Ḥilyat al-bashar*, 1:873-881.

⁶⁸⁰ 'The Sharī'a is itself the *Ḥaqīqa*' Ibn 'Arabī, *Futūḥāt*, 2:564.

6.2.1 Practices that Ibn Idrīs took from Ibn ‘Arabī

Ibn Idrīs took many of Ibn ‘Arabī’s counsels and recommendations and turned them into cornerstones of his spiritual path. Among them is a supplication for the multiplication of the rewards of good deeds, which came from a tradition narrated by al-Ḥakīm al-Tirmidhī in *Nawādir al-uṣūl*.⁶⁸¹ Ibn ‘Arabī had recommended this practice in his list of important counsels in the *Futūḥāt*.⁶⁸² Ibn Idrīs, who knew that it originally came from *Nawādir al-uṣūl*,⁶⁸³ valued this supplication to such an extent that he urged his followers to begin every good action, whether verbal or physical, with this supplication, so that the rewards of all of their actions are multiplied. He also incorporated it into his litanies so that his students start their daily devotions with it, and called it ‘The Opening of the Litanies.’⁶⁸⁴ According to Addas, there are only two supererogatory practices that we know for certain Ibn ‘Arabī prescribed for his disciples on the path. One of them which is found in many of Ibn ‘Arabī’s works including the counsels in the *Futūḥāt*, is that the statement, ‘There is none worthy of being worshiped save God,’ be recited 70,000 times in order to ‘purchase one’s soul from God’ and protect oneself from the Hellfire.⁶⁸⁵ Ibn Idrīs made this practice one of the ‘foundations’ of his path, meaning that it is one of the first acts that the disciple must do after taking his path.⁶⁸⁶

A third practice that Ibn Idrīs took from Ibn ‘Arabī is a special supplication that Ibn ‘Arabī created out of the Prophet’s *ṣalāt al-istikhāra* prayer in which one prays a two-cycle prayer and after finishing it recites the Prophet’s supplication asking for

⁶⁸¹ Al-Tirmidhī, *Nawādir*, 3:267.

⁶⁸² Ibn ‘Arabī, *Futūḥāt*, 4:497.

⁶⁸³ He mentioned its source in one of his lessons, as recorded by a student. (Tafsīr Manuscript, 14).

⁶⁸⁴ Al-Idrīsī, *Risālat al-awrād al-Idrīsīyya*, 15.

⁶⁸⁵ Addas, *Quest*, 271.

⁶⁸⁶ Ibn Idrīs, *Risālat al-asās*, 13; O’Fahey, *Enigmatic Saint*, 207.

guidance on a particular issue. Ibn ‘Arabī took the Prophet’s supplication and fashioned out of it a more general supplication for guidance to all good things. In the words of al-Sha‘rānī, Ibn ‘Arabī ‘made a sunna’ out of doing this every day in the forenoon.⁶⁸⁷ Ibn Idrīs recommended this practice of Ibn ‘Arabī to his followers.⁶⁸⁸

Finally, one could say that the most distinctive feature of Ibn Idrīs’ path also has its origin in Ibn ‘Arabī’s teachings. Ibn Idrīs claimed to have placed his disciples in the care of the Prophet. As a result, they would receive their spiritual growth directly from the Prophet without an intermediary, which is why he called his path the *ṭarīqa muḥammadiyya*. The disciples were directed to nurture this connection with the Prophet with the hope of achieving waking visions of him and receiving direct instructions from him.⁶⁸⁹ Ibn Idrīs’ disciple al-Sanūsī described the path and its method in these words, ‘The *ṭarīqa muḥammadiyya* is based on the close following of the Sunna...and on occupying oneself with the invocation of blessings upon the Prophet at all times.’⁶⁹⁰ What was distinctive about Ibn Idrīs was his portrayal of the Prophet as the shaykh for those who took his path and his minimisation of his own role. However, the goals of the path and the methods for reaching those goals were not new. Sedgwick traced the origins of this concept back to Ibn ‘Arabī who strongly recommended,

a constant *dhikr* of blessing the Prophet...mentioning a saintly blacksmith in Seville to whom the Prophet ‘appeared’ and, it seems, remained visible, as a result of this *dhikr*. He added that ‘whatever is revealed to the one who does this *dhikr*... is true and immune from error, for nothing comes to him except through the Messenger.’⁶⁹¹

⁶⁸⁷ Al-Sha‘rānī, *al-Ajwiba al-marḍiyya*, 173. I could not locate it in the *Futūḥāt*, so it might come from another of Ibn ‘Arabī’s works.

⁶⁸⁸ Ibn Idrīs, *al-Nafahāt al-kubrā*, 54.

⁶⁸⁹ Dajani, *Reassurance*, 13-14; Thomassen and Radtke, *Letters*, 3; Sedgwick, *Saints & Sons*, 12-14.

⁶⁹⁰ Dajānī, *al-Ḥaraka l-sanūsiyya*, 152.

⁶⁹¹ Sedgwick, *Saints & Sons*, 29-30.

6.3 Ibn Idrīs' Study of the Jurisprudential Sections of the *Futūḥāt*

*Perform your ablutions with the water of the unseen, if you possess the secret
or else perform tayammum with the highland and rocks
And place before you an imam, in front of whom you had stood
and pray the Fajr prayer at the beginning of its time
That is the prayer of those who know their Lord
so if you are from them, then let the sea flow onto the land (barr).*

Ibn Idrīs was asked by his students to explain these cryptic lines usually attributed to al-Junayd al-Baghdadī, but sometimes attributed to Ibn 'Arabī instead.⁶⁹² A study of Ibn Idrīs' explanations of these cryptic lines about the spiritual path, clothed in words related to prayer, reveals that he unlocked their meanings using the inward crossovers used by Ibn 'Arabī for the same words in his treatment of the *fiqh* of prayer.

According to Ibn Idrīs, to have the secret is to have reached the connection with God mentioned in the prophetic tradition, in which God becomes one's sight with which he sees, one's hearing with which he hears, one's hand with which he strikes and one's foot with which he walks. Those who have reached this level are told to purify themselves with the divine effulgence (*tajallī*), for the 'water of the unseen' refers to life through God. God is ultimately the unseen, for He is the most important of all that is unseen. Water means life because God's effulgence upon it is with His name al-Muhyī, the bringer to life, which makes water a source of all life. The wisdom behind ablutions with water is to give life force to one's bodily organs through the life-giving force in water, so that the organs feel energetic enough to perform the prayers and stand before God.⁶⁹³ Those who do not have this station must seek it, for *tayammum* means 'to seek' as in Qur'ānic usage (Q 2:267), and they should seek it through the highlands (*ṣa'īd*), a

⁶⁹² The Moroccan Sufi Ibn 'Ajība (d. 1809) also wrote a commentary on these lines (see bibliography). Ibn Idrīs' commentary was published by the Imam of the Azhar Mosque Ṣāliḥ al-Ja'farī (d. 1979) who added his own didactic super-commentary for inspiring spiritual aspirants, and called the work *al-Ma'ānī al-raqīqa 'alā l-durar al-daqīqa*.

⁶⁹³ Al-Ja'farī, *al-Ma'ānī al-raqīqa*, 4, 33.

term that comes from *ṣuʿud*: to ascend. The highland here refers to the human body, which needs to ascend through the performance of supererogatory acts in order to reach that station in which God becomes one's sight and seeing, etc. The key here is the determination in seeking the station (*qaṣd*), which is taken from the *tayammum*, and the other tool to help one reach the goal is the rock, which symbolises unwavering determination and patience.⁶⁹⁴

The source of this understanding is Ibn ʿArabī's discussions in the *Futūḥāt* of the need for intention before acts of ablution or *tayammum*. Water, he says, is the secret of life, and gives life on its own without the need for intention; it in itself is a spirit (*rūḥ*) to the bodily organs and gives them life. Earth and rock, however, have a much weaker life force in them, which needs to be strengthened and given a spirit through intention. Therefore, in the case of ablutions with water, one needs only to intend the act of purification, without thinking about the water. However, in the case of earth and rock, the Qurʾān tells people to seek the earth, meaning to intend not only purification through the act, but also by giving intention to the usage of the earth itself in order to infuse it with life. The key is in the *tayammum*, here meaning the force given in seeking the earth as a source of purification, a force that gives soul to the earth in order to be able to purify and energise the limbs.⁶⁹⁵

In the second half of the third line, the poem instructs the knowers of God to mix the land (*al-barr*) with the sea. For Ibn Idrīs, *al-barr* is an allusion to God whose name is *al-Barr* (the Beneficent, the doer of good), and the sea refers to water. The Qurʾān states that every living thing was made from water (Q 21:30). Ibn Idrīs comments,

⁶⁹⁴ Al-Jaʿfarī, *al-Maʿānī al-raḥīqa*, 61, 69.

⁶⁹⁵ Ibn ʿArabī, *Futūḥāt*, 1:332. Al-Shaʿrānī likewise took this understanding of the life-giving and energising 'secret' of ablutions and used it to guide his inspired explanations of the jurisprudence of purification throughout his treatment of this subject in many of his works, such as *al-Mizān* and *al-Faṭḥ al-mubīn fī jumlatin min asrār al-dīn*.

There is nothing in this universe that is not alive. The tradition states, 'Every thing, whether moist or dry, that is reached by the *muadhin's* voice, will bear witness on his behalf.' Is there anything in the universe that is not moist or dry? Can anything bear witness if it does not possess knowledge? Can there be knowledge without life? What he is saying is: Do not see things as independent of the Real, but witness the whole universe instead as Divine Names. The Real, whom he called al-Barr, also has as His names: The First and the Last, the Apparent and the Hidden. So do not witness anything then, but Him!⁶⁹⁶

This passage is based on the very same discussion in which Ibn 'Arabī discussed the need for intention, only a few lines below. In it he quoted the Qur'ānic verses, 'We have made from water every living thing', and 'everything glorifies Him in praise' (Q 17:44). Then he commented, 'Only a living thing can make glorification.'⁶⁹⁷ In another passage elsewhere in the *Futūḥāt* where Ibn 'Arabī wanted to prove this point at length, he said,

According to the people of unveiling, every natural material body contains a spirit, for God - glorious and majestic is He - says, 'Everything glorifies Him in praise' and the Messenger of God - may God bless him and grant him peace - said, 'Every thing, whether moist or dry, that is reached by the *muadhin's* voice will bear witness on his behalf.'⁶⁹⁸

These two passages, from different volumes of the *Futūḥāt*, indicate that Ibn Idrīs had them both in mind as he explained to his students the last part of the poem. It gives an indication of the level to which Ibn Idrīs learned, memorised, and internalised the secrets of the law in Ibn 'Arabī's discussions. I will now give a detailed comparison between the individual juristic opinions of Ibn Idrīs - which both his followers and contemporary scholars alike assumed to be the product of his own *ijtihād* - and those of Ibn 'Arabī.

⁶⁹⁶ Al-Ja'farī, *al-Ma'ānī al-raḥīqa*, 155.

⁶⁹⁷ Ibn 'Arabī, *Futūḥāt*, 1:332.

⁶⁹⁸ Ibn 'Arabī, *Futūḥāt*, 3:38.

6.3.1 The Akbarī School in Practice: The Case of Aḥmad ibn Idrīs

Ibn Idrīs taught his disciples to follow the example of the Prophet ‘footstep after footstep.’⁶⁹⁹ He was also highly concerned with reviving oft-neglected practices of the Prophet Muḥammad,⁷⁰⁰ which is why his students gave him the title ‘Reviver of the Sunna.’⁷⁰¹ It was mainly for the sake of achieving this perfect following of the Prophet that Ibn Idrīs did not restrict himself to following the opinions of a single school of law, but rather practiced his *ijtihād* in order to follow as closely as possible the Prophet’s example. Ibn Idrīs claimed the ability to practice independent *ijtihād*, and he undoubtedly did so. However, all of Ibn Idrīs’ judgements have been attributed to his independent *ijtihād*, which is not the case.⁷⁰² While I agree that Ibn Idrīs would not have followed the opinions of any predecessors uncritically, I will demonstrate the extent to which Ibn Idrīs took from the *Futūḥāt* of Ibn ‘Arabī. As a firm believer in Ibn ‘Arabī, it would have been natural for Ibn Idrīs to consult Ibn ‘Arabī’s opinions in jurisprudential matters as part of his *ijtihād* process; after all, Ibn ‘Arabī believed that he was the perfect heir to the Prophet and that his juristic opinions were divinely inspired. To demonstrate this influence, I will now examine all the juristic opinions in which Ibn Idrīs is known to have differed from either all four schools of law, or the majority of them, and compare those opinions to Ibn ‘Arabī’s own preferences in the *Futūḥāt*.

1) The Pre-Maghrib Supererogatory Prayer.

⁶⁹⁹ Al-Ja‘farī, ‘Abd al-Ghanī, *al-Kanz al-tharī*, 110.

⁷⁰⁰ Dajani, *Reassurance*, 6-7.

⁷⁰¹ Al-Sanūsī, *al-Musalsalāt al-‘ashr*, 13.

⁷⁰² Thomassen and Radtke, *Letters*, 12; O’Fahey, *Enigmatic Saint*, 199, and others.

- * Mālikīs and Ḥanafīs: disliked (*makrūh*), because the timeframe for the Sunset prayer is the shortest among the five, and it is feared that the performance of this prayer will delay it beyond its time.
- * Ḥanbalīs: permissible (*mubāḥ*), neither encouraged nor discouraged.
- * Shāfi'īs and Zāhirīs: non-emphasised sunna (*sunna ghayr mu'akkada*), meaning that one is not expected to perform it regularly, as the Prophet himself and his Companions were not understood to have prayed it regularly.⁷⁰³
- * Ibn Idrīs: *sunna*. Ibn Idrīs did not specify whether this was an emphasised or non-emphasised *sunna*. However, Ibn Idrīs considered this a very important *sunna* which was neglected and forgotten by the followers of all four schools, and saw himself as a reviver of this practice. Ibn Idrīs included a prophetic tradition recommending the performance of this prayer in his small collection of 208 traditions called *Rūḥ al-sunna* (the Spirit of the Sunna), in which he aimed to distill the main spirit of the Prophet's way.⁷⁰⁴ This tradition is of course not one of the most important ones, nor does it convey a major Islamic principle, but Ibn Idrīs chose to include it in order to revive this practice, as he did with other small practices about which he placed traditions in this collection. In practice, however, Ibn Idrīs seemed to take the importance of this prayer to an extreme by elongating it. This issue was one of the eight main complaints that the Wahhābī jurists of 'Asīr sent to the ruler of 'Asīr against Ibn Idrīs, stating that he prolonged this prayer so much that the Sunset Prayer was being prayed very close to the Night Prayer.⁷⁰⁵ During the actual debate, Ibn Idrīs' main adversary brought up this point again. Ibn Idrīs replied that this prayer 'is a sunna which people have abandoned...Simply because the people have abandoned [it] does not mean that we must abandon [it]....Disapproval should be directed against someone who denies that [it has] the status of a sunna, and not against someone who

⁷⁰³ Cf. Ibn Ḥazm, *al-Muḥallā*, 2:21-4.

⁷⁰⁴ Ibn Idrīs, *Rūḥ al-sunna*, 97.

⁷⁰⁵ 'Ākish, *Munāẓara*, 147.

performs [it].'⁷⁰⁶ Ibn Idrīs thus reversed the charge against his opponent whose Ḥanbalī school did not even confer upon this prayer the status of *sunna*. Ibn Idrīs did not, however, explain why he prolonged this prayer. The secret to that is in the emphasis given to the importance of this prayer by Ibn 'Arabī in the *Futūḥāt*.

In the *Futūḥāt*, Ibn 'Arabī described this prayer's importance as being equal to the two-cycle prayer before the Fajr Prayer, which, by agreement of the scholars, was the most important of all the *sunna mu'akkada* prayers, and was described by the Prophet as being 'worth more than the world and all that is in it.'⁷⁰⁷ Furthermore, Ibn 'Arabī stated that no one prays this prayer regularly except he who exercises prudence in his religion. Ibn 'Arabī proceeded to say,

'[It is] a *sunna* that has been forgotten and neglected. In our age I have not seen among the jurists anyone who prays it regularly other than our companion Zayn al-Dīn Yūsuf ibn Ibrāhīm al-Shāfi'ī al-Kurdī, may God grant him success to keep to it. In [it] there is an amount of reward known only to God, for God has a special effulgence between every obligatory prayer and the *adhān* that precedes it, so whoever prays to Him with intimate discourse at that time will be given something very great.'⁷⁰⁸

2) Praying in Footwear.

Another *sunna* that Ibn Idrīs wanted to revive was praying in one's footwear rather than barefooted, seeing it as an important adornment for the prayer. Ibn Idrīs addressed this issue repeatedly in three separate passages of *al-Iqd al-naḥīs*, giving it great importance.⁷⁰⁹ Praying in one's footwear is recommended in Ibn 'Arabī's chapter of counsels in the *Futūḥāt*.⁷¹⁰

⁷⁰⁶ 'Ākish, *Munāzara*, 201.

⁷⁰⁷ Ibn Ḥazm, *al-Muḥallā*, 2:19.

⁷⁰⁸ Ibn 'Arabī, *Futūḥāt*, 1:491-2.

⁷⁰⁹ Ibn Idrīs, *al-Iqd al-naḥīs*, 81-2, 167, 261.

⁷¹⁰ Ibn 'Arabī, *Futūḥāt*, 4:500.

3) Fasting in the second half of Sha‘bān.

The Prophet is known to have fasted more in the month of Sha‘bān than in any other month except Ramadan, and this became a popular practice for the Muslims. However, there is a tradition that states, ‘After Sha‘bān reaches its middle, do not fast.’ Ibn Idrīs was asked to explain the meaning of this tradition. He explained that the Prophet said it out of fear that if all the Muslims fasted in the days leading up to Ramadan, a Qur’ānic revelation might make it into an obligation. He compared it to the Prophet showing the Muslims the *sunna* of the *tarawīh* prayers for two or three days only and then not coming out to lead them in it again out of fear that it would become obligatory.⁷¹¹ After the death of the Prophet, however, this fear was no longer there, and it was acceptable again to fast in the second half of Sha‘bān. Ibn Idrīs quoted other traditions of the Prophet showing that it is permissible to be fasting in the last days of Sha‘bān, just before Ramadan, as evidence of his position. Ibn Idrīs then concluded his discussion with the opinion of Ibn ‘Arabī who wished to reconcile all the traditions. He said, ‘Among the scholars there are those who, out of prudence, forbade fasting on the day of the 16th day only, among them Muhyī al-Dīn ibn ‘Arabī, and that is correct, so that the tradition in question does not become abrogated entirely.’⁷¹² I am not aware of anyone beside Ibn ‘Arabī who came up with such a compromise.

4) Breaking the Fast when Traveling.

- * Ḥanafīs, Mālikīs and Shāfi‘īs: recommended to keep the fast provided the travel does not cause much hardship, based on their interpretation of verse 2:184 ‘to fast is better for you.’
- * Ḥanbalīs: *sunna* to break the fast, disliked to fast while traveling. They claimed that the above verse referred to the days of fasting that were obligatory before the fasting of Ramadan was revealed to replace them, and that in the verse mentioning the fast of

⁷¹¹ See the discussion on this in Chapter Three, Section 3.3.

⁷¹² Ibn Idrīs, *al-‘Iqd al-naḥīs*, 214-5. See Ibn ‘Arabī, *Futūḥāt*, 1:649.

Ramadan, the words ‘to fast is better for you’ were not repeated. Furthermore, many traditions criticise fasting during travel.

- * Zāhirīs: obligatory to break the fast, forbidden to fast while traveling more than one mile.⁷¹³
- * Al-Awzā‘ī: held a middle opinion, stating that it is superior to break the fast, without stating that it was disliked to do otherwise.⁷¹⁴
- * Ibn Idrīs: His response to the question on this matter is similar to the Ḥanbalī opinion,⁷¹⁵ however he refrained from giving a judgement, instead giving the exact response that Ibn ‘Arabī gave in his *Futūḥāt*. In the *Futūḥāt* Ibn ‘Arabī wrote,

As for the traveler, his fasting, whether in Ramadan or outside of it, is not an act of piety, and if it is not an act of piety, then the least that it could be is that it is like not doing anything at all. Or it could be the opposite of piety, which is impiety, and I do not say that, but I do deny it being an act of piety.⁷¹⁶

Ibn Idrīs’ response is essentially the same, ‘[The Prophet] said: “It is not from piety to fast on a journey.” If it is not piety, then it is not obedience.’⁷¹⁷ Furthermore, Ibn ‘Arabī, unlike the four other schools and Ibn Ḥazm, took the literalist view that anything that is called ‘travel’ in the language calls for breaking the fast in Ramadan.⁷¹⁸ The followers of Ibn Idrīs, the Khatmiyya and Sanūsiyya in particular, were criticised for also breaking the fast during anything defined as ‘travel’ in Ramadan, no matter how short or easy the journey was.⁷¹⁹

⁷¹³ Ibn Ḥazm, *al-Muḥallā*, 4:384.

⁷¹⁴ Al-Sha‘rānī, *al-Mīzān*, 2:22.

⁷¹⁵ Thomassen and Radtke failed to take note of the Ḥanbalī position when they stated that on this issue, ‘he is clearly in disagreement with the established views of the schools of *fiqh*.’ (*Letters*, 12).

⁷¹⁶ Ibn ‘Arabī, *Futūḥāt*, 1:612-3.

⁷¹⁷ Thohmassen and Radtke, *Letters*, 40.

⁷¹⁸ Ibn ‘Arabī, *Futūḥāt*, 1:713. Ibn Ḥazm defined travel as a distance of more than one mile, as mentioned above.

⁷¹⁹ Vikør, *Sufi and Saint*, 245, 257.

5) Gaps of silence left by the imam in the prayer.

- * Mālikīs: no gaps of silence in the prayer.
- * Ḥanafīs: one gap of silence before the commencement of recitation, for silent supplications.
- * Shāfi'īs: add a second gap of silence between the Fātiḥa and the other portion of the Qur'ān, so that worshippers behind the imam have a chance to recite the Fātiḥa for themselves.
- * Ḥanbalīs and Zāhirīs: add a second gap at the end of all recitation, before going down into bowing.
- * Ibn 'Arabī and Ibn Idrīs: all three gaps.⁷²⁰

6) The *Witr* Prayer.

- * Mālikīs, Shāfi'īs, Ḥanbalīs, and Zāhirīs: *sunna*.
- * Ḥanafīs, al-Ḥakīm al-Tirmidhī, Ibn 'Arabī, and Ibn Idrīs: obligatory.⁷²¹

7) The 'Prostration of Recitation' at certain verses when read outside the Prayer.

- * The four schools: requires a state of ritual ablution.
 - * Zāhirīs, Ibn 'Arabī, and Ibn Idrīs: ritual purity is not a condition for this prostration, citing the tradition about the Companion Ibn 'Umar doing it without ritual purity.⁷²²
- Ibn Idrīs chose the tradition about Ibn 'Umar for his collection *Rūḥ al-sunna*.⁷²³ It is one of the very few traditions in that collection which are not statements of the Prophet himself, or about him. It is clear that Ibn Idrīs was very concerned with this practice and therefore included this tradition in his collection.

⁷²⁰ Ibn 'Arabī, *Futūḥāt*, 1:412; Ibn Idrīs, *Sharḥ al-ṣudūr*, 16, 22-23, 26.

⁷²¹ For the five schools see Ibn Ḥazm, *al-Muḥallā*, 2:3-7. For Ibn Idrīs see Ibn Idrīs, *al-ʿIqd al-naḥīs*, 177. For Ibn 'Arabī see *Futūḥāt*, 1:394, 488. For al-Tirmidhī see al-Tirmidhī, *al-Ṣalātu wa-maqāṣiduhā*, 141.

⁷²² Ibn 'Arabī, *Futūḥāt*, 1:516.

⁷²³ Ibn Idrīs, *Rūḥ al-sunna*, 235.

8) Formula of *ta'awwudh* (the seeking of refuge from Satan) in prayer.

- * Mālikīs: disapprove of it in prayer.
- * Other schools and Zāhirīs: recite the standard formula.
- * Ibn 'Arabī and Ibn Idrīs: recite an extended formula.⁷²⁴

9) The optional *qunūt* supplication in prayer.

- * Ḥanbalīs: in the Witr Prayer. No authentic timing narrated for it.
- * Ḥanafīs: in the Witr Prayer, silently, before the *rukū'*.
- * Mālikīs: in the Fajr Prayer, silently, before the *rukū'*.
- * Shāfi'īs: in the Fajr Prayer, loudly, after the *rukū'*.
- * Ibn Ḥazm: in all obligatory prayers, after the *rukū'*.⁷²⁵
- * Ibn 'Arabī: did not mention in which prayers or its timing. However, he stated that the supplication itself which was narrated for the Witr *qunūt* is well established, whereas the supplication narrated for the Fajr prayer is not authentically established. Therefore, those who do *qunūt* in the Fajr prayer should make any supplication that they wish instead.⁷²⁶
- * Ibn Idrīs: did *qunūt* in both Witr and Fajr prayers, silently or loudly, either before or after *rukū'*. He most often did it before the *rukū'* like the Mālikī school, yet loudly like the Shāfi'īs. Ibn Idrīs used the prophetic supplication for the Witr *qunūt* only. He did not recite the *qunūt* supplication narrated for the Fajr prayer, which the Mālikīs

⁷²⁴ Ibn Idrīs, *al-Nafaḥat al-kubrā*, 9; Ibn 'Arabī, *Futūḥāt*, 1:421. Cf. Ibn Ḥazm, *al-Muḥallā*, 2:278.

⁷²⁵ For Ibn Ḥazm and the previous schools see Ibn Ḥazm, *al-Muḥallā*, 3:54-61.

⁷²⁶ Ibn 'Arabī, *Futūḥāt*, 1:435.

recited, and instead used one of his own Idrīsi supplications.⁷²⁷ This is in accord with the advice of Ibn ‘Arabī.

6) Descending into *sujūd*.

- * Ḥanafīs, Shāfi‘īs, Ḥanbalīs: knees before hands.
- * Mālikīs, Zāhirīs, Ibn ‘Arabī, and Ibn Idrīs: hands before knees.⁷²⁸

7) Women imams leading men and women in prayer.

- * The four schools and Ibn Ḥazm: forbidden.⁷²⁹
- * Ibn ‘Arabī: permissible.⁷³⁰
- * Ibn Idrīs: his position on this is not known, however some students of Ibn Idrīs including al-Mirghanī and/or his followers were accused of holding that it is permissible.⁷³¹

8) Holding the Friday Prayer in more than one mosque in the same city.

- * Four schools: not permissible, except in cases of necessity.
- * Zāhirīs, Ibn ‘Arabī, and Ibn Idrīs: permissible without conditions.⁷³²

⁷²⁷ Descriptions of Ibn Idrīs’ *qunūt* were written down in detail by his students. See al-Idrīsī, *Risālat al-awrād al-Idrīsīyya*, 8-11.

⁷²⁸ Ibn Ḥazm, *al-Muḥallā*, 3:44-5; Ibn ‘Arabī, *Futūḥāt*, 1:440; Ibn Idrīs, *al-Iqd al-naḥīs*, 276-7.

⁷²⁹ Ibn Ḥazm, *al-Muḥallā*, 3: 81, 135-6.

⁷³⁰ See Chapter Three, Section 3.5 above; Ibn ‘Arabī, *Futūḥāt*, 1:447. This view is attributed to Abū Thawr, the teacher of Dāwūd al-Zāhirī, and al-Muzanī (d. 264/877) - both of whom were students of al-Shāfi‘ī - as well as al-Ṭabarī (d. 310/923) (see al-‘Aẓīmābādī, *‘Awn al-ma‘būd*, 2:225-8). Some Ḥanbalīs also allowed it in Tarawīḥ prayers, with the condition that the woman leads from behind the rows of the men (see Ibn Qudāma, *al-Mughnī*, 2:146).

⁷³¹ See the complaint sent to the Shaykh of the Azhar Ḥasan al-‘Aṭṭār (d. 1250/1835) by a man from Sudan about al-Mirghanī and his followers in Vikør, *Sufi and Scholar*, 244-5. See also al-Samannūdī, *Sa‘ādat al-dārayn*, 2:441.

⁷³² For the four schools and the Zāhirīs see Ibn Ḥazm, *al-Muḥallā*, 3:257-8; al-Sha‘rānī, *al-Mizān al-kubrā*, 1:248-9. For Ibn ‘Arabī see *Futūḥāt*, 1:461. However, Ibn ‘Arabī stresses that it is preferable to pray in a single mosque. For Ibn Idrīs, see Thomassen and Radtke, *Letters*, 36.

- 9) Recitation of the *basmala* (*bism Allāh al-raḥmān al-raḥīm*) as part of the Fātiḥa in the prayer.
- * Mālikīs: disliked. The more canonical traditions state that the Prophet was not heard reciting it out loud, and began with ‘*al-ḥamdulillāh*,’ therefore the Mālikīs do not allow its recitation in the prayer at all, not even silently.
 - * Ḥanbalīs and Ḥanafīs: preferable but not obligatory. It should be done silently whether the recitation is silent or loud, because of the traditions that the Prophet was not heard reciting it.
 - * Shāfi‘īs: obligatory. The *basmala* is an integral part of the Fātiḥa and since the prayer is invalid without the Fātiḥa, the prayer is invalid without the *basmala*. It is to be recited loudly in loud recitations and silently in silent recitations.⁷³³
 - * Ibn Ḥazm: Those who recite using a canonical Qur’ānic recitation that counts the *basmala* as part of the Fātiḥa and the rest of the *sūras*, must recite it or their prayer is invalid. Those who recite using canonical recitations which do not count the *basmala* as part of the Fātiḥa and the rest of the *sūras*, but rather as a separator between the *sūras*, are free to recite it or not.⁷³⁴
 - * Ibn ‘Arabī: reciting the Fātiḥa is more correct, and should be given preference ‘for it is part of the Qur’ān, according to the ‘*ulamā billāh* (those who know through Allah).’ However, the *ijtihād* of those who do not think the *basmala* is part of the Fātiḥa will still be accepted by God.⁷³⁵ In another discussion, his argument is as follows: God said in the Qur’ān, ‘Recite as much of the Qur’ān as is easy for you’ (Q 73:20), so it is obligatory to recite what is easy to. God later clarified that ‘what is easy for you’ is the Fātiḥa. Hence, if it is easy for one to recite the *basmala* as part of the Fātiḥa, then one

⁷³³ For the four schools see Ibn Rushd, *Bidāya*, 1:132; Ibn Qudāma, *al-Mughnī*, 1:346-7.

⁷³⁴ Ibn Ḥazm, *al-Muḥallā*, 2:283.

⁷³⁵ Ibn ‘Arabī, *Futūḥāt*, 3:478-9. For Ibn ‘Arabī the ‘*ulamā billāh* are higher than the ‘*ārifūn billah*, for they are the ones who are ‘sent’ by God to guide the Muslims. They are the *muḥaddathūn*. See Chapter Three, Section 3.1.1.

should, but if it is not easy to recite the *basmala* then the obligation is lifted. Reciting the *basmala* is therefore better than leaving it.⁷³⁶ By this logic, even though Ibn ‘Arabī seems to accept the possibility of not reciting the *basmala*, he indicates that as long as it is easy to do so, it should be recited (i.e. it is an obligation). Practically speaking, it is difficult to conceive of a situation where the recitation of the *basmala* would be difficult.

* Ibn Idrīs: obligatory. This is one of the most interesting examples of Ibn Idrīs’ following of Ibn ‘Arabī’s juristic preferences. Ibn Idrīs defended this position vehemently in more than one treatise, which is the only position we are aware of in which he did not follow the opinion that is backed by the more authentic prophetic traditions. In doing so, he displayed his vast knowledge of traditions and his mastery of jurisprudence to defend his position, and was not simply imitating Ibn ‘Arabī.⁷³⁷ His disciple Muḥammad al-Majdhūb (d. 1831) likewise argued for this position in his works, and had to rebut the criticism that the traditions he used for his claims came from weaker traditions in less prestigious collections.⁷³⁸ Hofheinz argued that ‘in and of itself, a purely Traditionist method could also have led to a different interpretation. Al-Majdhūb’s interpretation therefore may have been influenced by his implicit preference for the Shāfi‘ī view.’⁷³⁹ Hofheinz argued that perhaps al-Majdhūb was inclined to the Shāfi‘ī school because of the scholarly milieu in Medina where he learned and taught for eight years.⁷⁴⁰ He did, however, in another study, acknowledge the correspondence between his opinions and those of Ibn Idrīs, at least on the two questions in which we know the opinions of both.⁷⁴¹ Al-Majdhūb, for example, rejected the consensus of the community, which was approved by the Shāfi‘ī school

⁷³⁶ Ibn ‘Arabī, *Futūḥāt*, 1:413.

⁷³⁷ See Ibn Idrīs, *Sharḥ al-ṣudūr*, 20-22; *al-Nafahāt al-kubrā*, 9; *al-‘Iqd al-nafīs*, 265.

⁷³⁸ Hofheinz, ‘Transcending the Madhhab,’ 236.

⁷³⁹ Hofheinz, ‘Transcending the Madhhab,’ 236.

⁷⁴⁰ Hofheinz, ‘Transcending the Madhhab,’ 242.

⁷⁴¹ Hofheinz, *Internalizing Islam*, 330.

like the others, and only accepted the consensus of the Companions.⁷⁴² This shows that al-Majdhūb's positions did not stem from an inclination to the Shāfi'ī school but from the influence of Ibn Idrīs which ultimately derives from the teachings of Ibn 'Arabī. Ibn Idrīs' disciple al-Sanūsī likewise discussed the issue of the *basmala* at length in several treatises. Al-Sanūsī's main concern was to convince the Mālikīs that the *basmala* was part of the Fātiḥa because they were the ones who rejected its recitation in prayer. His ultimate aim was to prove that the *basmala* must be recited in prayer, and yet he also made extensive use of the same type of argument as Ibn Ḥazm.⁷⁴³

It is therefore my contention that it was from the *Futūḥāt* that Ibn Idrīs and his followers took the importance of the *basmala*. One should also remember that, while the scholarly milieu in Medina at the time of al-Majdhūb might have had a strong Shāfi'ī bias, it was also to a large extent influenced by the lasting legacy of Ibn 'Arabī's greatest propagators of that era, al-Qushāshī and his students, to whom the majority of the Medinan scholars of the time were very closely connected.⁷⁴⁴ Similarly, Hofheinz attributed al-Majdhūb's 'recourse to extrasensory perception,' i.e. meaning visions of the Prophet, in supporting his jurisprudential views, 'as merely an extreme form of his overall attempt to bypass the intermediate authorities of scholastic tradition when turning to the original normative sources - God's word and the example of His last Prophet.'⁷⁴⁵ However, it is simply a natural product of his study of Akbarī teachings under Ibn Idrīs.

6.3.2 Ibn Idrīs and Inspired Explanations

⁷⁴² Hofheinz, 'Transcending the Madhhab,' 242, n. 47.

⁷⁴³ Al-Sanūsī, *Shifā' al-ṣadr*, 32-43. For an overview of his arguments, see Vikør, *Sufi and Scholar* 223-6, 248, 256, 258. For further reading see also Vikør, 'Opening the Mālikī school.'

⁷⁴⁴ See Voll, 'Muḥammad Hayya al-Sindi and Muḥammad Ibn 'Abd al-Wahhab,' and 'idem., 'Ḥadīth Scholars and Tariqahs;' Nafi, 'Tasawwuf and Reform;' Taji-Farouki in Ibn 'Arabī, *A Prayer*, 32-5.

⁷⁴⁵ Hofheinz, 'Transcending the Madhhab,' 244.

Like his intellectual predecessors, Ibn Idrīs partook in the *‘ijtihād* of the knowers of God, that is, he based some of his opinions on explanations that were not based on analogical reasoning but rather on spiritual realities. One such example of Ibn Idrīs using an inspired explanation, is when he was asked about the lawfulness of leaning a teaching tablet upon which verses of the Qur’ān were written, against a wall. Ibn Idrīs replied,

There is no objection to this. Indeed, the tablet upon which the Qur’ān is written has its origin from the earth. The earth has its origin from the water. The water has its origin from the Light of our liege-lord Muḥammad, may God bless him and grant him peace. The Light of Muḥammad, may God bless him and grant him peace, has its origin from the Light of God, High and Mighty. Therefore, the origin of everything is pure. Thus there is no disrespect (to the Qur’an) in that, and likewise is the case with hanging the tablet on the wall, and likewise is the case with (leaning or hanging) the Qur’ān itself (*muṣḥaf*).⁷⁴⁶

Here we see Ibn Idrīs practising *ijtihād* in a style similar to his predecessors al-Tirmidhī, al-Sha‘rānī, and Ibn ‘Arabī. Furthermore, his explanation relied on the concept of the the Muḥammadan Reality (*ḥaqīqa Muḥammadiyya*) and the Light of Muḥammad (*nūr Muḥammadī*), which was a central theme in the teachings of Ibn ‘Arabī.⁷⁴⁷

6.3.3 Conclusion

When one compares Ibn Idrīs’ juristic opinions with those of the four schools that existed in his time, one finds that some of his opinions agreed only with the Ḥanafī school, while others agreed only with the Shāfi‘ī, Mālikī, or Ḥanbalī schools. Other opinions agreed only with the Zāhirī school, while some were different from all of the above. However, one finds that in every case his opinions matched those of Ibn ‘Arabī.

⁷⁴⁶ Thomassen and Radtke, *Letters*, 18. I translated this passage myself rather than using the editors’ translation (cf. *ibid*, 19-12).

⁷⁴⁷ For Ibn ‘Arabī see Chodkiewicz, *Seal*, 60-73.

This does not mean that Ibn Idrīs was simply copying from the *Futūḥat*, but that he was generally convinced that Ibn ‘Arabī’s positions were more correct than the others. In Ibn Idrīs’ treatment of the *fiqh* of prayer, for example, he delved into far more depth than Ibn ‘Arabī on certain questions to defend his positions, displaying his vast knowledge of the *ḥadīth* literature.⁷⁴⁸ He often discussed in detail matters that Ibn ‘Arabī simply never discussed or mentioned, for Ibn ‘Arabī did not deal with every conceivable issue in the *Futūḥāt*.⁷⁴⁹ Furthermore, Ibn Idrīs, as a revivalist, saw different issues in his time and society that he needed to address, and different forgotten practices to revive, which Ibn ‘Arabī did not address in his writings. What we can establish without a doubt, however, is that Ibn Idrīs is at least one example of someone applying and practicing the ‘Akbarī *madhhab*.’

6.4 The Teachings of Ibn Idrīs on *Ijtihād*

Now that we have brought to light the extent of the influence of Ibn ‘Arabī on the jurisprudential thought and practice of Ibn Idrīs, we can understand better Ibn Idrīs’ teachings on *ijtihād*, scholarly authority, and the schools of law. While many reform movements in the eighteenth and nineteenth centuries were influenced by growing European power or by secular nationalism, O’Fahey and Sedgwick both noted that Ibn Idrīs’ revivalism was influenced by neither. In the words of O’Fahey, it was the result of an ‘internal dynamic for change,’ not a threat from the West,⁷⁵⁰ and as Sedgwick noted,

⁷⁴⁸ See for example Ibn Idrīs, *Sharḥ al-ṣudūr*, which is a work on the description of prayer. Likewise his defence of the position that the hands should go down before the knees when descending for *sujūd*, in Ibn Idrīs, *al-Iqd al-nafīs*, 276-7.

⁷⁴⁹ For examples of Ibn Idrīs’ *ijtihād* on several issues not discussed by Ibn ‘Arabī, see the list of matters discussed by Ibn Idrīs in his letters to Ibn ‘Abd al-‘Azīz in Thomassen and Radtke, *Letters*, 12-13. Of these ten matters, only the last two in the list were discussed by Ibn ‘Arabī (holding Friday Prayers in more than one mosque, and fasting during travel, both of which are discussed in section 6.3.1).

⁷⁵⁰ O’Fahey, *Enigmatic Saint*, 5.

unlike Salafism, it did not owe anything to European thought. In fact, both scholars characterised Ibn Idrīs as having completely ignored the West.⁷⁵¹

There was of course ample reason for Ibn Idrīs and his students to turn against *madhhabism*. Ibn Idrīs regularly spoke against the factionalism that resulted from fanatical devotion to the schools of law, both in Mecca, Medina, and elsewhere. He described the followers of the schools as acting like different factions that accused each other of misguidance.⁷⁵² Hofheinz described one incident that happened in Mecca in 1814, which was witnessed by al-Majdhūb and most likely his teacher Ibn Idrīs too.⁷⁵³ Ottoman troops retook Mecca from the house of Sa‘ūd, and the Ottomans attempted to re-establish their dominance by removing the Shāfi‘ī judge and replacing him with a Ḥanafī one. This caused the locals to boycott the official Friday prayers and petition to remove the Ḥanafī judge which resulted in a deadlock that lasted for some time.⁷⁵⁴ Such incidents were but reminders of the divisions that school factionalism sometimes caused. Al-Majdhūb, who had mastered the four schools of jurisprudence, himself wrote a treatise on ‘the need to transcend the divisions of the legal schools and to follow only the example of the Prophet.’⁷⁵⁵

Madhhab factionalism as well as the influence of Ibn ‘Arabī both were contributing factors in shaping Ibn Idrīs’ stance on *ijtihād*. Another factor was his desire to emulate the Prophet’s example as perfectly as possible, which was a very important principle of his Sufi path, and also the natural outcome of an intense love that he had for the Prophet, and an intense desire to be united with him and see him. The path he taught was about complete dedication to the Prophet, to think about him with every glance and every breath. This would have reinforced the desire of Ibn Idrīs to follow the teachings

⁷⁵¹ Sedgwick, *Saints & Sons*, 12-13; O’Fahey, *Enigmatic Saint*, 5.

⁷⁵² ‘Ākīsh, *Munāẓara*, 172.

⁷⁵³ Ibn Idrīs left that same year for Upper Egypt, but it is likely that he did so after the incident. On his trips to Upper Egypt and the timing of Muḥammad Ali Pasha’s control of Mecca, see O’Fahey, *Enigmatic Saint*, 53-4.

⁷⁵⁴ Hofheinz, ‘Transcending the Madhhab,’ 247.

⁷⁵⁵ Hofheinz, ‘Transcending the Madhhab,’ 234.

of Ibn ‘Arabī who had proclaimed himself to be the Seal of Muḥammadan Sainthood and the greatest heir to the Prophet in all his actions and states, and therefore the perfect mirror through which to follow the Prophet closely.

Ibn Idrīs wrote a treatise entitled *Risālat al-radd ‘alā ahl al-ra’y* (*Refutation of the Rationalists*), by which he meant, just like with Ibn ‘Arabī’s usage, the schools of jurisprudence.⁷⁵⁶ We will look at the main themes of this treatise and the main sources of influence on it. As we have done with al-Tirmidhī, Ibn ‘Arabī and al-Sha‘rānī, we will divide our discussion into the two main themes of juristic authority and juristic methodology.

6.4.1 Juristic Authority

In his study of Muḥammad ibn ‘Abd al-Wahhāb, E. Peskes correctly noted that the main concern of Ibn Idrīs - like that of Ibn ‘Abd al-Wahhāb - was with the opposition ‘between *fiqh* (the doctrinal authority of the legal schools) on one hand, and the Qur’ān and the Sunna on the other.’⁷⁵⁷ It is this opposition that Ibn ‘Arabī had stressed in his account of several dream visions in *Kitāb al-mubashshirāt* and in many passages in the *Futūḥāt*. Similarly, al-Sha‘rānī stressed this opposition in *Irshād al-tālibīn* and *Kashf al-ghumma*, limiting the role of scholars to simply transmitting the revealed sources and not adding anything to them.⁷⁵⁸

Ibn ‘Arabī saw the addition of new laws to the revealed law as an assumption of lordship (Chapter Three, Section 3.2). Ibn Idrīs argued the same, ‘Whoever brings forth a new judgement along with God has brought forth lordship, and anyone who follows

⁷⁵⁶ Except the Zāhirīs, if they are counted as a school and not a methodology.

⁷⁵⁷ As quoted by Radtke et al. in *Exoteric*, 14. Radtke et al. also agreed with this judgement.

⁷⁵⁸ On Ibn ‘Arabī refer to Chapter Three, Section 3.2; Chapter Four, Sections 4.1.2.1 and 4.2.2. On Al-Sha‘rānī see Chapter Five, Sections 5.3 and 5.4, as well as the final comparison of both figures in section 5.6.1.

his authority in this regard has accepted him as a lord apart from God.⁷⁵⁹ In another passage, he held that the statement often used by scholars to present their opinions ‘we say that..’ is a statement befitting only of God. Even worse are those who create hypothetical questions and then answer them, alternating between the creation of a question, which is servanthood, and then providing the answer, which is lordship. ‘His saying, “If I ask,” - that is the saying of a servant. As for his saying, “We (would) say...” - that is the response of the lord, because judgement belongs only to God; ‘Verily, judgement is only for God’ (Q 12:40).’⁷⁶⁰ The role of a scholar according to Ibn Idrīs, then, is only to say, ‘God said,’ or ‘God’s Messenger said.’⁷⁶¹

Ibn Idrīs quoted a story used by al-Sha‘rānī in which a poet was singing in the court of an Abbasid king when a man told him that Mālik forbade singing. The poet replied, ‘Is Mālik allowed to make lawful or unlawful matters in God’s religion according to his opinion? By God, even the Messenger of God - peace be upon him - could only make things lawful or unlawful through Divine revelation!’ This poet, Ibn Idrīs declared, was ‘more zealous on behalf of God’s religion and His law’ than the jurists.⁷⁶² Like Ibn ‘Arabī, Ibn Idrīs often repeated in his treatise that the original status of acts in the Sharī‘a was divine pardon (i.e. no judgement). The silence of the Sharī‘a on any given act was intentional - a divine mercy. As Sedgwick put it, ‘To attempt to fill a silence deliberately left by God [is] to abrogate one of His mercies.’⁷⁶³

These arguments were made by Ibn ‘Arabī before him, but Ibn Idrīs furnished them with more textual evidence. The Prophet had said, ‘the scholars of my nation are like the prophets of the Children of Israel.’ The earlier prophets, of course, did not use any opinion or analogy, their only knowledge was the revelation, as God said, ‘Verily, We have sent down the Torah which contains right guidance and light; on the basis of it the prophets pass judgement’ (Q 5:44). The ‘*madhhab* of real scholars,’ therefore, is

⁷⁵⁹ Ibn Idrīs, *Risālat al-radd*, 54.

⁷⁶⁰ Ibn Idrīs, *Risālat al-radd*, 67.

⁷⁶¹ Ibn Idrīs, *Risālat al-radd*, 52.

⁷⁶² Ibn Idrīs, *Risālat al-radd*, 59-60; Al-Sha‘rānī, *al-Mizān al-kubrā*, vol. 1, 69.

⁷⁶³ Sedgwick, *Saints & Sons*, 15. See Ibn Idrīs, *Risālat al-radd*, 65-6, 77.

divine revelation, they do not add anything to it. The Prophet also said, ‘The scholars are the inheritors of the prophets.’ The Prophet called them inheritors, and inheritors only take their share of what is left for them, and prophets do not bequeath anything but divine revelation. If an inheritor takes something other than what the Sharī‘a has apportioned for him from the bequeathed legacy, then he is not an inheritor but a sinful usurper. This tradition, Ibn Idrīs states, should scare any scholar from stating their own opinion, lest they become sinful usurpers of what does not belong to them.⁷⁶⁴ Ibn Idrīs denied the scholars any authority other than the transmission of the revealed sources and the identification of the relevant text for each problem. He said that individual piety was the key to discovering the answer to every problem in the revealed sources. This brings us to Ibn Idrīs’ view on juristic method.

6.4.2 Juristic Method

Just like Ibn ‘Arabī, Ibn Idrīs believed there were two ways of doing *ijtihād*. The optimal *ijtihād* was an internal spiritual striving, and external *ijtihād* was to seek the answer in the revealed sources. For Ibn ‘Arabī, the aim of internal spiritual striving was to receive Heavenly Speech or inspiration during waking visions of the Prophet, which would provide the answer to one’s question. Ibn Idrīs, as we have seen above, also believed in waking visions of the Prophet as the ultimate source of guidance. However, this was something that he taught his own disciples, but kept outside of his *Risālat al-radd*, in which he focused instead on *taqwā*.⁷⁶⁵

In *Risālat al-radd* Ibn Idrīs argued that everything was in the Qur’ān and Sunna, and that what distinguished one scholar from another was their ability to find the answer to everything in these sources. Countless are those who have memorised the Qur’ān and a great number of traditions but do not know the answer to a question. When they are given the answer from the Qur’ān or from a tradition which they already know, they are

⁷⁶⁴ Ibn Idrīs, *Risālat al-radd*, 61-2.

⁷⁶⁵ See Ibn Idrīs’ letter to Makkī ibn ‘Abd al-‘Azīz for example in Thomassen and Radtke, *Letters*, 40.

surprised, as if that verse was only revealed at that moment, or that tradition only uttered by the Prophet at that moment. They would say to themselves, ‘How many times did I pass over the answer to this problem and read it, without realising!’ The key to extracting everything from the Qur’ān and Sunna is pious fear of God (*taqwā*), and in practical terms that means acting upon one’s knowledge of their religious obligations. ‘Whoever acts upon that which he knows,’ the Prophet had said, ‘then God will bequeath to him knowledge of what he does not know.’ He who does not act upon what he knows will be veiled from the answers even though they lie in what he has memorised, like a donkey carrying books.⁷⁶⁶ The Prophet’s cousin Ibn ‘Abbās said, ‘Were I to lose a camel shackle, I would find it again in the Book of God.’⁷⁶⁷ Ibn Idrīs wrote,

The long and short of it is this: there is no matter two persons could disagree about, though it be the weight of a mustard seed, for which God has not placed a judgement in His Book and the Sunna of His Prophet... He who knows this knows it, and he who is ignorant of it is ignorant of it....’ God said, ‘If you fear God, He will make for you a distinguishing faculty’ and God would never break His promise! Whoever, then, does not find within himself such a faculty has not attained real piety and merely thinks that he is pious.⁷⁶⁸

Radtke et al. called this an ‘individualistic form of pious radicalism,’⁷⁶⁹ because it pushes the person to reach the answers that they seek from God by means of increasing their piety. If we look in the *Futūḥāt* we find that Ibn ‘Arabī had said the same before him:

Scholars have disagreed about analogy. Some accept it as evidence...and others do not, and that is my position. God said, ‘Fear God and God will teach you’ (Q

⁷⁶⁶ Ibn Idrīs, *Risālat al-radd*, 49-50.

⁷⁶⁷ Ibn Idrīs, *Risālat al-radd*, 49.

⁷⁶⁸ Ibn Idrīs, *Risālat al-radd*, 49, 55.

⁷⁶⁹ Radtke et al., *Exoteric*, x.

2:282), and ‘If you fear God, He will make for you a distinguishing faculty’ (Q 8:29).⁷⁷⁰

Here we must ask: what did Ibn Idrīs mean by the criterion or ability to find the answers in the revealed sources? As Vikør noted, it may refer ‘to an esoteric knowledge that goes beyond what men can read directly from the texts of the Revelation’ or simply the ability to distinguish right and wrong from a direct reading of the revealed sources without human interpretation. Vikør argued for the second understanding, that ‘Ibn Idrīs does not, as Sha‘rānī does, give saints or holy people any advantage in this respect; he clearly states that such knowledge as is required is potentially open to anyone.’⁷⁷¹ However, it seems likely that Ibn Idrīs understood different degrees of piety to lead to different abilities of understanding of the revealed sources, including the miraculous. In his debate with the Wahhābī scholars of ‘Asīr, Ibn Idrīs defended the idea of extracting knowledge from the Qur’ān’s *bāṭin*, for those who reach pure faith and ‘complete knowledge of God’ (*kamāl al-‘irfān*), those who fear God and are therefore taught by God.⁷⁷² Ibn Idrīs was seen as having excelled his peers and his students in the ability to extract knowledge from the revealed sources directly, though he gave his students the tools to do so themselves. The Yemeni judge al-‘Ākish wrote,

Among the things I took from him is the knowledge of jurisprudence according to the earliest generations such as the four imams and the other founders of the schools who extracted it from the prophetic traditions and Qur’ānic verses. In that regard he was the greatest wonder, the like of which has never been heard of in the East or West! He was never asked about a novel issue without answering immediately—as if it was obvious— with a clear text from the Book or the Sunna, in a way that no one but him could have been guided to. Many would search to see whether anyone else had been guided to that or not, and no one has been found who even came close to this.⁷⁷³

⁷⁷⁰ Ibn ‘Arabī, *Futūḥāt*, 2:162.

⁷⁷¹ Vikør, ‘Shaykh as Mujtahid,’ 373-4.

⁷⁷² ‘Ākish, *Munāẓara*, 163-4.

⁷⁷³ al-Ja‘farī, *al-Muntaqā al-naḥīs*, 38; Dajani, *Reassurance*, 10.

With regard to his teachings on external *ijtihād*, Ibn Idrīs had guidance for the jurists and the laypeople. For the jurists, *ijtihād* was the effort to search for the answer within the revealed texts, no more. For the laypeople, it was to practice informed following of the scholars (*ittibā*'), rather than blind following (*taqlīd*), and it meant asking scholars or muftis for a judgement from the revealed sources only. If the scholar could not provide an answer directly from the revealed sources, but relied on analogical reasoning or other unapproved methods, they were to find another scholar who could.⁷⁷⁴ This was, as we have seen before, the position of Ibn 'Arabī and the Zāhirī school before him.

6.4.3 Conclusion

It is clear that *Risālat al-radd* was inspired by the works of Ibn 'Arabī, though no scholar has made this link before. Radtke et al. linked the work to the 'Sufī pietistic tradition.'⁷⁷⁵ They noted the similarity between Ibn Idrīs and al-Tirmidhī in their rejection of the authority of jurists and the validity of their rationalistic methods.⁷⁷⁶ After al-Tirmidhī they jumped to al-Sha'rānī, and yet did not find much in common between al-Sha'rānī and Ibn Idrīs beside the issue of waking visions of the Prophet. They noted that in any case, Ibn Idrīs kept this belief out of his treatise in which the 'esoteric aspects of the *ṭarīqa muḥammadiyya* are toned down by the less provocative demand for *taqwā*.⁷⁷⁷ The main idea of al-Sha'rānī as they presented it, was the validity of all schools.⁷⁷⁸ This would suggest opposing conclusions by Ibn Idrīs and al-Sha'rānī: one rejected the schools and one defended them. In Chapter Five (Section

⁷⁷⁴ Ibn Idrīs, *Risālat al-radd*, 52.

⁷⁷⁵ Radtke et al., *Exoteric*, 15.

⁷⁷⁶ Radtke et al., *Exoteric*, 15.

⁷⁷⁷ Radtke et al., *Exoteric*, 19.

⁷⁷⁸ Radtke et al., *Exoteric*, 18.

5.6), I showed that both opposing positions in fact come from Ibn ‘Arabī’s *Futūḥāt*, and that Ibn ‘Arabī’s major concern was achieving mercy and ease for the laypeople, via either approach. Al-Sha‘rānī, as a dedicated follower of Ibn ‘Arabī, expressed both approaches in different writings. In his earlier writings such as *Irshād al-ṭālibīn* and *Kashf al-ghumma*, he rejected the schools, whereas in later writings such as the *al-Mīzān al-khaḍiriyya* and *al-Mīzān al-kubrā*, he defended them. I argued that in both cases al-Sha‘rānī was more concerned with the end goal of preserving the original mercy of the law. Similarly, it is clear that Ibn Idrīs also took his inspiration from Ibn ‘Arabī and that he too was highly concerned with the issue of mercy, advocating a position where all the silences in the Sharī‘a were the result of divine mercy. In doing so, Ibn Idrīs even took a story from al-Sha‘rānī to help make his point. Therefore, I argue that there is in fact a strong connection between both authors in that they were both highly devoted followers of Ibn ‘Arabī and drew their inspiration from his works, and that they both aimed to achieve the same goal that Ibn ‘Arabī intended to achieve. Ultimately, however, Ibn Idrīs chose Ibn ‘Arabī’s ideal scenario where the silences of the law are not filled by the scholars of the schools. Al-Sha‘rānī’s final works settled for Ibn ‘Arabī’s second-best scenario: if the schools were to make their additions to the law, then their additions should not be binding upon anyone but should be taken as a whole, providing different options for the layperson to choose from, becoming once again a source of mercy. Of course al-Sha‘rānī himself quoted Ibn ‘Arabī’s *Futūḥāt* in saying that the Mahdī who will emerge at the end of time will do away with the schools and act upon the original and pure Sharī‘a. He also wrote, as I have likewise shown, that a heavenly voice promised him that *Kashf al-ghumma* would be used as a reference work in the time of the Mahdī. Therefore, the position of Ibn Idrīs was in line with al-Sha‘rānī’s predictions on the end times.

6.5 Influence

The influence of Ibn Idrīs was far reaching, and difficult to fully assess. O’Fahey wrote,

Ibn Idrīs was a spiritual genius who sat for thirty years at the centre of the Muslim world; he gathered around him like-minded figures, some to become famous, some to remain anonymous. The ramifications of his influence beyond the major students are still largely uncharted. Nor can that influence be neatly described within a pattern of *silsila*, *sanad*, shaykhly authority, and the like.⁷⁷⁹

We will briefly look at some of the lasting influence of Ibn Idrīs' teachings on *ijtihād*, through his followers and their writings.

6.5.1 Al-Sanūsī's *Waking the Sleeper*

Among Ibn Idrīs' disciples, the most distinguished in terms of scholarship and *ḥadīth* mastery was Muḥammad ibn 'Alī al-Sanūsī. Al-Sanūsī wrote a series of works discussing issues of jurisprudence, especially issues related to prayer. This may be due to the importance that prayer had for Muslims, especially for the school of Ibn Idrīs which very strongly emphasised the perfection of prayer,⁷⁸⁰ and also because prayer was a very visible act that distinguished one school of thought from the others. As Vikør noted, 'Following one variant rather than another signals adherence to one group or community.'⁷⁸¹ Indeed, the members of the Sanūsiyya and the Khatmiyya were both criticised for not conforming to the Mālikī school. Vikør's studies have provided an overview of al-Sanūsī's works.⁷⁸² What is of interest in this study specifically is al-Sanūsī's great treatise *Īqāz al-wasnān fī l-'amal bil-ḥadīth wa-l-Qur'ān* (Waking the Sleeper to Act Upon the *Ḥadīth* and Qur'ān). Radtke et al. demonstrated that al-Sanūsī used Ibn Idrīs' *Risālat al-radd* as the basis of his work, noting all the passages of the *Īqāz* 'which appear to have been taken over word for word from the *Risālat al-radd*, and

⁷⁷⁹ O'Fahey, *Enigmatic Saint*, 118-9.

⁷⁸⁰ On this see Dajani, *Reassurance*, 7-9.

⁷⁸¹ Vikør, 'Opening the Mālikī School,' 14.

⁷⁸² See Vikør, 'Opening the Mālikī School,' 'Shaykh as Mujtahid,' *Sufi and Scholar*.

others which present an exact paraphrase of corresponding passages in the *Radd*.⁷⁸³ Many of the key passages that form the basis of al-Sanūsī's work, then, come from Ibn Idrīs. As for the conclusion, it is a 'lengthy citation,' - five pages in fact - 'from Ibn al-ʿArabī's *al-Futūḥāt al-makkiya*.'⁷⁸⁴ The passage that Ibn Idrīs took from al-Shaʿrānī's *al-Mizān* is also copied by al-Sanūsī, but al-Sanūsī also took other passages directly from *al-Mizān* as well,⁷⁸⁵ making it a work that is most heavily influenced by Ibn ʿArabī both directly and indirectly.⁷⁸⁶

I have found that Ibrāhīm Niass (d. 1975), founder of the largest Sufi *ṭarīqa* in West Africa, the Tijāniyya-Ibrāhīmiyya, in turn relied heavily on *Īqāz al-wasnān* and another of al-Sanūsī's works, *al-Masāʾil al-ʿashr*, in his own work *Rafʿ al-malām*.⁷⁸⁷ The way that the followers of the Tijāniyya-Ibrāhīmiyya prayed had become a major issue of contention between scholars and *ṭarīqas* in Nigeria in the 1950's and 1960's, and had led to the production of several works on the issue. This conflict quickly became politicised, eventually leading to the Argungu riots of 1965.⁷⁸⁸ This work defended Niass' departure from Mālikī practice on several acts in the ritual prayer, and argued against blind imitation of the schools of law. Furthermore, it is noticeable that Niass' positions were in complete agreement with those of al-Sanūsī, Ibn Idrīs, and Ibn ʿArabī.

⁷⁸³ Radtke et al., *Exoteric*, 2. The list of passages is provided at the bottom of that page also, and a supplement containing those passages side by side for comparison is provided in 81-94.

⁷⁸⁴ Vikør, *Sufi and Scholar*, 223 and 223 n. 10. See also Vikør, 'Opening the Mālikī School,' 11-12.

⁷⁸⁵ See for example al-Sanūsī, *Īqāz al-wasnān*, 132-3 and elsewhere.

⁷⁸⁶ Much of the core of the *Īqāz* is also excerpted from Ṣāliḥ al-Fullānī (d. 1803). Al-Fullānī was a student of Murtaḍā al-Zabīdī. This means that he was connected intellectually to the *ijtihād* revival centred around the Akbarī figure al-Qushāshī and his student al-Kūrānī.

⁷⁸⁷ Niass, *Rafʿ al-malām*, 7-32. *Al-Masāʾil al-ʿashr* is also known as *Bughyat al-maqāṣid*.

⁷⁸⁸ Loimeier, *Islamic Reform*, 79-83.

6.5.2 Idrīsī Communities

The Sufi *ṭuruq* of today that go back to Ibn Idrīs' students include the Idrīsīyya (also known in South East Asia and Somalia as the Aḥmadiyya), the Sanūsiyya, Khatmiyya (also known as the Mirghaniyya), Dandarāwiyya, Rashīdiyya (with its Ṣāliḥiyya sub-branch in Somalia), Majdhūbiyya, and Jaʿfariyya,⁷⁸⁹ while many others have incorporated his litanies and teachings. The history of the Sanūsiyya is very well known, and the Khatmiyya order remains of major political importance in the Sudan. The Dandarāwiyya, which commands a great following from the Middle East to South East Asia, has been studied by Sedgwick.⁷⁹⁰

From Mecca, Ibn Idrīs would send his students as missionaries to Muslim lands to revive the example of the Prophet. He sent al-Mirghanī as a missionary to the lands of modern day Eritrea, where his great success aroused the hostility of the local ruler. He later sent him to different regions in Egypt, and then to the Sudan. We also know that he sent a party from Mecca to Upper Egypt 'for the sake of establishing the Sunna there.'⁷⁹¹

Many of Ibn Idrīs' great disciples built settlements and established independent communities in different parts of the Muslim world.⁷⁹² One of those was Makkī ibn ʿAbd al-ʿAzīz, who established schools and religious centres in Nubia. The master and his disciple exchanged several letters, which were mostly related to specific questions of jurisprudence and law that would have arisen in the daily life of Ibn ʿAbd al-ʿAzīz's community.⁷⁹³ Ibn ʿAbd al-ʿAzīz himself was a learned scholar, supervising centres of learning and scholarship, and yet he did not turn to the classic books of jurisprudence for answers to his questions, even the smallest ones, and instead sought the authoritative (divinely inspired) answers of Ibn Idrīs. Among those questions were those that were

⁷⁸⁹ See Thābit, *Min aqṭāb*, 120, and al-Jaʿfarī, ʿAbd al-Ghanī in Ibn Idrīs, *Awrād*, 4-5.

⁷⁹⁰ Sedgwick, *Saints & Sons*.

⁷⁹¹ O'Fahey, *Enigmatic Saint*, 72, 147-8.

⁷⁹² Sedgwick, *Saints & Sons*, 26.

⁷⁹³ Thomassen and Radtke, *Letters*, 11-12. The topics are listed in 12-13.

crucial to the life of such communities, such as whether or not a teacher is permitted to listen to the voice of a woman in order to instruct her, and whether or not more than one mosque can be used for the Friday prayer in a single city. Ibn Idrīs's answer in the affirmative to the latter question, in contradiction to the four schools, had important social implications, as it gave that community license to pray the Friday prayers together in their own mosques, instead of having to join the prayers at the main mosque of the town.

Muḥammad al-Majdhūb was also among Ibn Idrīs' most notable disciples. He belonged to the important Sudanese al-Majdhūb family, which provided several religious leaders. Al-Majdhūb came to Medina and taught in the Prophet's mosque for eight years and spent a brief time in Mecca with Ibn Idrīs. His most lasting impact, however, was in Suakin, the major African port on the Red Sea to which he moved in 1829, 'where he established a lodge (*zāwiya*) and within the two years that he remained there attracted a considerable religious following.'⁷⁹⁴ Making heavy use of short pamphlets and easy-to-remember poetry as his means of communication, al-Majdhūb 'became the most prolific author the Sudan had known up to his time...' ⁷⁹⁵ His works were largely based on prophetic traditions and written in a simplified manner. Among the practices that he defended was the importance of reciting the *basmala* in the Fātiḥa in prayer,⁷⁹⁶ which we discussed above. Al-Majdhūb also regularly referred to spiritual unveiling and direct communication with the Prophet as evidence of his positions.⁷⁹⁷ Al-Majdhūb wrote a treatise on transcending the divisions between the schools, the purpose of which, according to his successor, was to show that one should 'be guided by all schools of jurisprudence and not be intolerant of others, and he rebutted what is wrong in this matter and refuted corrupting innovations.'⁷⁹⁸

⁷⁹⁴ Hofheinz, 'Transcending the Madhhab,' 230-2.

⁷⁹⁵ Hofheinz, 'Transcending the Madhhab,' 232.

⁷⁹⁶ Hofheinz, 'Transcending the Madhhab,' 238-240.

⁷⁹⁷ Hofheinz, 'Transcending the Madhhab,' 242-4.

⁷⁹⁸ Hofheinz, 'Transcending the Madhhab,' 234. This work is now lost.

The followers of al-Sanūsī and al-Mirghanī were distinguished by their distinctive practices, taken from Ibn Idrīs, which sometimes led to accusations of unorthodoxy, an exchange of fatwas, and the production of scholarly writings. Both the Sanūsīs and the Khatmīs (the followers of al-Mirghanī) were criticised for breaking the fast when traveling in Ramadan, even if it was for a short distance, a position they took from Ibn Idrīs. Likewise, the Sanūsīs in particular were criticised by the Mālikīs for moving from the Mālikī position of *sadl* (praying with arms to the side) to *qabḍ* (praying with the right hand on the left).⁷⁹⁹ In such ways the students of Ibn Idrīs, knowingly or unknowingly, carried the *madhhab* of Ibn ‘Arabī with them wherever they established new communities. What is most interesting is that both sides of the debate used al-Sha‘rānī’s works to defend their position. Scholars from the Azhar used *al-Mizān al-kubrā* to prove that all schools of law were equally valid and correct, and that the opinions of the imams were divinely inspired.⁸⁰⁰ At the same time, as we have mentioned, *Īqāz al-wasnān* included several passages from the very same work.

In his study on the Zāhirī school, Osman pointed out a late nineteenth century work by an Egyptian Sufī named Ibrāhīm al-Samannūdī, who authored a work against the Wahhābis and another group which he called ‘the imitators of the Zāhirīs.’ Osman was unable to identify this group,⁸⁰¹ though it is clear that they were the followers of Ibn Idrīs. Al-Samannūdī stated that they called themselves the Aḥmadiyya and al-Muḥammadiyya, and that they were widespread in many regions such as the Ḥijāz, the Sudan, Upper Egypt, India, and the Cyrenaica where they established a strong base, descriptions which perfectly fit the different Idrīsī groups. He described them as shunning the schools, claiming absolute *ijtihād*, and only accepting what is stated in the Qur’ān and Sunna.⁸⁰² The clearest evidence that al-Samannūdī was referring to the

⁷⁹⁹ See Vikør, *Sufi and Scholar*, 257.

⁸⁰⁰ Vikør, *Sufi and Scholar*, 241-264.

⁸⁰¹ Osman, *History and Doctrine*, 353, n. 1288.

⁸⁰² Al-Samannūdī, *Sa‘ādat al-dārayn*, 2:243-4.

followers of Ibn Idrīs was his reference to the fatwā of shaykh ‘Ullaysh regarding ‘the same group’ and their position on breaking the fast during travel.⁸⁰³ Shaykh Muḥammad ‘Ullaysh (d.1882) had written a fatwā on the Sanūsīs in particular.⁸⁰⁴ Although this work of al-Samannūdī is unreliable, it does show us that the Idrīsīs were seen as Zāhirīs.⁸⁰⁵ However, some of the points raised by al-Sammanūdī against them, such as their belief that women can lead men in prayer, or that anything called ‘travel’ makes the breaking of the fast obligatory, point not to the teachings of Ibn Ḥazm but to those of Ibn ‘Arabī (see Section 6.3.1 points 4 and 7).

It is very possible that scholars from the Idrīsī tradition, such as Ibn Idrīs himself and al-Sanūsī, made use of the works of Ibn Ḥazm in much the same way as Ibn ‘Arabī did, to defend their positions. For example, Ibn Idrīs wrote in *Risālat al-radd* that Mālik expressed regret on his deathbed for every addition he made to the Sharī‘a. The oldest known source for this story is Ibn Ḥazm.⁸⁰⁶ In al-Sanūsī’s discussion of the recitation of the *basmala* in prayer, his position is very similar to that of Ibn Ḥazm (see Section 6.3.1 point 9). However, their use of Ibn Ḥazm’s works was only due to the influence of Ibn ‘Arabī who did the same before them, and not because they were Zāhirīs.

6.5.3 Continued Influence

Several important students of Ibn Idrīs and al-Sanūsī produced works on jurisprudence. Among them was the Egyptian ‘Alī al-Qūsī (d. 1877), a student of both

⁸⁰³ Al-Samannūdī, *Sa‘ādat al-dārayn*, 2:451.

⁸⁰⁴ See Vikør, *Sufi and Scholar*, 250-264. Vikør prefers the spelling ‘Ullaysh (*Sufi and Scholar*, 250, n. 23).

⁸⁰⁵ The author of this work is unaware of the origin of this movement and claims that it cannot be traced to any one figure, rather seeing it as a general movement or phenomena that emerged in the nineteenth century. Because of this, the author counted some antinomian Sufis who also claimed direct contact with the Prophet as part of the same movement, even though antinomianism was anathema to the *ṭarīqa muḥammadiyya* of Ibn Idrīs.

⁸⁰⁶ Ibn Ḥazm, *al-Iḥkām*, 6:57. This story of Mālik was told by ‘Abd Allāh ibn Maslama al-Qa‘nabī (d. c. 220/834) to whom Mālik allegedly expressed his regrets on his deathbed. Al-Qa‘nabī, one of the traditionists who transmitted the *Muwatta’* of Mālik, was also a teacher of Dāwūd al-Zāhirī.

figures, who left a considerable body of writings. This scholar held audiences with two successive rulers of Egypt, before moving to Asyūt where he taught until his death. Al-Qūsī, like his teachers, rejected the idea that the gates of *ijtihād* were closed, and was involved in disputes with scholars of Mecca and Medina on the issue.⁸⁰⁷ Another figure to be pointed out is Fāliḥ al-Zāhirī (d. 1910) - named after his tribe in the Ḥijāz, not the *madhhab* - who was a very close student of al-Sanūsī. Al-Zāhirī authored works on *ḥadīth* as well as a work on jurisprudence ‘according to the way of the *ahl al-ḥadīth*.’⁸⁰⁸ However, it would be more beneficial to focus on later flowerings of Idrīsī thought, rather than the more immediate disciples whose influence may have died out.

It is difficult to gage the extent to which Ibn Idrīs’ teachings on the schools of law or his Akbarī *fiqh* opinions continued to be spread or practiced. However, it seems that the more dogmatic ideas on *uṣūl al-fiqh* (the theory) did not last as long as the practice. For example, even though the majority of the extant manuscripts ascribed to Ibn Idrīs were published by his followers in the twentieth century, the *Risālat al-radd* remained unpublished until Radtke and a team of contemporary European experts on the Idrīsī tradition published and translated it. As for other works of Ibn Idrīs that included his views on prayer, they have been published and we will return to them below. As for al-Sanūsī’s works, I have mentioned that Ibrāhīm Niass made extensive use of them to defend his stance during a time of powerful conflict in Nigeria, but other than that, their use remained mostly within Sanūsī circles, and it is unlikely that the Sanūsīs themselves continued to focus on theoretical works like *Īqāz al-wasnān*. The same seems to have happened with the works of al-Majdhūb. Hofheinz discovered that al-Majdhūb’s two theoretical works, on the principles of jurisprudence and on the need to transcend the schools of jurisprudence, are no longer extant. Only the devotional works and small treatises that defended individual points of departure from the local Mālikī practice such

⁸⁰⁷ O’Fahey, *Enigmatic Saint*, 171-2.

⁸⁰⁸ Al-Zirkilī, *al-A’lām*, 6:326.

as the *basmala* and *qabḍ* have survived.⁸⁰⁹ Hofheinz suggested that this may have been due to a lack of interest in the more ‘dogmatic’ or theoretical content on the part of al-Majdhūb’s later disciples.⁸¹⁰ Similarly, Sedgwick attributed this to a tendency of new religious movements to lose some of their more distinctive features over time, to become less sectarian, and to reach a ‘state of uniformity with their socio-cultural environment.’⁸¹¹ However, there is another important external factor too, which is the threat of the Salafī movement which threatened the schools of law and Sufism with them. It is most likely that, in the interest of defending the established order, the followers of Ibn Idrīs avoided publishing such tracts as *Risālat al-radd*, for example.⁸¹²

With regard to practice, the Sanūsī movement in Libya has preserved the *fiqh* positions of al-Sanūsī and Ibn Idrīs until this day, at least in personal matters such as prayer. They are viewed, however, as a new branch of the Mālikī school, the Mālikī-Sanūsīs, who occupy the eastern parts of Libya, as opposed to the Mālikī-Khalīlīs in Tripoli and the western parts of Libya.⁸¹³ This is because al-Sanūsī did not present himself as an absolute independent *mujtahid* like his teacher did, but as a *mujtahid* within the Mālikī school.⁸¹⁴ Often, those who travel from the west of Libya to its eastern parts mistake the Mālikī-Sanūsīs for Salafīs due to the similarities in prayer.⁸¹⁵ Such departures from the practice of the mainstream Khalīlīs in the case of the Sanūsīs

⁸⁰⁹ Hofheinz, *Internalizing Islam*, 320-30.

⁸¹⁰ Hofheinz, *Internalizing Islam*, 321.

⁸¹¹ Sedgwick, *Saints & Sons*, 2; ‘Upper Egypt’s Regional Identity,’ 100.

⁸¹² Sedgwick proposed the same explanation for a Damascene Idrīsī scholar’s defence of the schools. See Sedgwick, *Saints & Sons*, 111.

⁸¹³ Khalīl is the author of the famed *Mukhtaṣar*, being the standard Mālikī textbook representing the most authoritative opinions of the school. The ‘Khalīliyyūn,’ being the representatives of mainstream *taqlīdī* Mālikīs, were the object of derision in Ṣāliḥ al-Fullānī’s work against *taqlīd*. See Vikør, ‘Shaykh as Mujtahid,’ 356.

⁸¹⁴ Vikør, ‘Shaykh as Mujtahid,’ 354.

⁸¹⁵ Shaykh Aḥmad al-Ṭalḥī al-Sanūsī (Interview, London, April 2011).

for example, are significant because they relate to issues of religious and regional identity.

Another significant figure in the later history of the Idrīsiyya is Ṣāliḥ al-Ja‘farī (d. 1979) who was the imam of the Azhar Mosque and one of its most popular teachers.⁸¹⁶ Al-Ja‘farī became a shaykh of the Idrīsī path and ‘more than any other member of the Idrīsī tradition in the twentieth century [he] worked tirelessly to find and publish writings by or on Ibn Idrīs, publishing at least fifteen items.’⁸¹⁷ Al-Ja‘farī affiliated himself with the Mālikī school, and according to ‘Alī Jumu‘a (Grand Mufti of Egypt 2003-13), he was ‘among the great scholars of the Mālikī school’⁸¹⁸ and a *mujtahid*.⁸¹⁹ However, in his prayer, for example, he followed Ibn Idrīs and hence put his right hand over the left, and recited the *basmala*, which were two visible examples of his divergence from mainstream Mālikism. The guidance that he gave his disciples on this issue deserves some attention.

Al-Ja‘farī belonged to two traditions: he was the imam of the Azhar which was pro-*madhhab*, and a follower of Ibn Idrīs and al-Sanūsī who were anti-*madhhab*. The tension between the two conflicting stances appears in his reaction to the fatwā of the Azharī scholar and Sufī, Muḥammad ‘Ullaysh, against al-Sanūsī’s claims to *ijtihād*. ‘Ullaysh, who had been the Grand Shaykh of the Azhar and a muftī of the Mālikīs, received letters describing (not entirely accurately) al-Sanūsī’s claims to *ijtihād*, to which ‘Ullaysh responded in two fatwas; they are to be found in his collection of fatwas which was his main body of work. Al-Ja‘farī never met ‘Ullaysh who had died more than forty years before al-Ja‘farī reached the Azhar at the age of twenty, but he claimed to have developed a strong direct spiritual connection with him and loved him greatly. Furthermore, al-Ja‘farī copied a small treatise by ‘Ullaysh that clarified the Ash‘arī

⁸¹⁶ On al-Ja‘farī see Dajani, *Reassurance*, 1-70.

⁸¹⁷ O’Fahey, *Enigmatic Saint*, 172.

⁸¹⁸ Dajani, *Reassurance*, 38.

⁸¹⁹ Dajani, *Reassurance*, xi-xii,

creed in very simple language into his largest and most important work, *Fath wa fayḍ wa faḍl min Allāh*.⁸²⁰ Al-Ja‘farī spoke in his introduction to the treatise of how disconcerted he had been about what happened between al-Sanūsī, his spiritual guide and master, and ‘Ullaysh, with whom he had ‘a secret that none knows but God.’ However, al-Ja‘farī wrote that a Libyan man from Tripoli told him that he had in his possession a letter that ‘Ullaysh had sent to al-Sanūsī. In it ‘Ullaysh explained that al-Sanūsī’s views were not presented to him accurately and sought al-Sanūsī’s forgiveness. Furthermore, another Libyan man from a family of scholars informed al-Ja‘farī that ‘Ullaysh had later dedicated a treatise to praising al-Sanūsī’s knowledge and virtue; it was his determination, al-Ja‘farī added, to search for it ‘so that it is printed and all people could read it.’⁸²¹

Al-Ja‘farī repeated in several places in his writings that he was Mālikī in jurisprudence. However, an examination of the treatment of jurisprudence in his Friday lessons shows that his positions were not always in line with the Mālikī school. Al-Ja‘farī, as a teacher and orator, would be asked many questions in his lessons. Since his audience was mostly Shāfi‘ī or Mālikī, his response to the majority of cases would be to simply state the Mālikī and Shāfi‘ī positions, though in a great deal of cases he would also add the opinions of other schools. Al-Ja‘farī would sometimes present only the opinion of a single school, or compare the arguments of two or three schools and then express his preference for one of them, even if it was from a school different to his own.⁸²² On the issue of breaking the fast while traveling, he held that it is recommended to break the fast while traveling but that fasting would still be accepted, a compromise between the stance of Ibn ‘Arabī and Ibn Idrīs on one hand, and that of the Mālikīs, Shāfi‘īs, and Ḥanafīs on the other, which was closer to the Ḥanbalī or Awzā‘ī opinions (See Section 6.3.1, point 4). Al-Ja‘farī never declared himself to be a *mujtahid* and always referred to himself as a Mālikī, but it is clear that he was not a pure Mālikī.

⁸²⁰ Al-Ja‘farī, *Fath*, 41-65.

⁸²¹ Al-Ja‘farī, *Fath*, 41-2.

⁸²² Al-Ja‘farī, *Dars al-jumu‘a*, 1:40-1; 120-1.

Also of interest is the introduction that al-Ja‘farī gave to a treatise by Ibn Idrīs which commented on the prophetic tradition ‘Pray as if it is your last prayer.’ Ibn Idrīs did not only explain the importance of having reverence and concentration in the prayer, but also gave a detailed description of the prayer, taking it as an opportunity to stress the importance of the *basmala* and other positions he held on prayer. Al-Ja‘farī, in his introduction, had to give guidance to his disciples who read this work because Ibn Idrīs’ positions would undoubtedly differ from whatever school they followed on many points. He wrote,

The noble Aḥmad ibn Idrīs - may God be pleased with him - explained this tradition based on his high spiritual understanding and also with his own *ijtihād*. His *ijtihād* does not go against (all of) the four schools, so whoever finds that his speech is in conformity with his school, then he is following his school. Whoever finds that [Ibn Idrīs’] speech goes against his school, we do not require him to leave his school, for it is obligatory upon every person to imitate the imam of his school. Naṣīr al-Dīn al-Laqqānī said,

*Mālik and the rest of the imams
and likewise Abū l-Qāsim (al-Junayd) are the guides of this community
It is obligatory, then, to imitate a scholar from amongst them
this is what the scholars have said in clear speech.*

If, therefore, he chooses to imitate his shaykh who is a knower of God most high, then there is nothing wrong with that.⁸²³

Al-Ja‘farī quoted the classic text on creed by Ibrāhīm al-Laqqānī (d. 1041/1631), which is one of the core texts of the Azhar curriculum and other Sunni institutions of learning. Al-Laqqānī most likely intended to say by those lines that Muslims should have an imam in jurisprudence that they imitate, and also an orthodox spiritual guide.⁸²⁴ A literal reading of those lines, however, might suggest that having a

⁸²³ Al-Ja‘farī, *Sharḥ al-ṣuḍūr*, 7-8.

⁸²⁴ The author composed a commentary on his own composition, stating that it was compulsory to follow one of the four imams (al-Laqqānī, *Hidāyat al-murīd*, 2:899).

Sufi guide could replace having an imam in jurisprudence. It is more likely that al-Ja‘farī quoted these lines to support *taqlīd*, though he may have intended the other possible reading: that it was sufficient to follow either a Sufi guide or an imam of jurisprudence. While stressing the necessity of following one of the four schools of jurisprudence, al-Ja‘farī at the same time allowed his followers to follow the juristic opinions of Ibn Idrīs whenever they diverged from their schools.

6.6 From Ibn ‘Arabī to the Salafīs

The story of Ibn ‘Arabī’s conception of *ijtihād* did not end with the Idrīsī tradition. In fact, one of its most fascinating and surprising chapters is its connection with the rise of early Salafī thought in late Ottoman Damascus. This was demonstrated by Itzhak Weismann who showed how ‘Abd al-Qādir al-Jazā’irī (d. 1855) taught Akbarī thought, to which he was fully dedicated, to a circle of scholars in Damascus.⁸²⁵ From this circle emerged the first scholars that rejected *taqlīd* of the schools and stressed the importance of only following judgements upon investigation of their evidence in the revealed sources.⁸²⁶ His direct students, and their own students, became the leading reformists of Damascus and the founding fathers of the early Salafiyya.

⁸²⁵ There is no known transfer of ideas between Ibn Idrīs and al-Jazā’irī but both figures are connected. When al-Jazā’irī was nineteen years old his father took him to visit al-Sanūsī in his *zāwiya* in Mecca. Al-Sanūsī reportedly took a special interest in ‘Abd al-Qādir and saw in him the signs of a promising future (see Vikør, *Sufi and Scholar*, 125–6). Upon arriving in Damascus where he would dedicate the rest of his life to teaching ‘Arabī’s writings, al-Jazā’irī became a disciple of Muḥammad ibn Mas‘ūd al-Fāsī (d. 1872), founder of the Shādhilī-Fāsī *ṭarīqa*. Al-Fāsī was in turn the deputy of Muḥammad al-Madanī (d. 1847), founder of the Shādhilī-Madanī *ṭarīqa*. Al-Madanī’s main shaykh was al-‘Arabī al-Darqāwī of the Shādhiliyya but he also took the path from Ibn Idrīs ‘for the blessing’ because he, in his own words, ‘found him firmly rooted in following the Sunna’ (O’Fahey, *Enigmatic Saint*, 71; Weismann, *Taste*, 197).

⁸²⁶ For an example of al-Jazā’irī himself applying the judgements of Ibn ‘Arabī, see his 281st *mawqif* (al-Jazā’irī, *al-Mawāqif*, 2:83–7), in which he discussed adding a *sajda* of *sahw* after the completion of every ritual prayer. Al-Jazā’irī wrote that the first Sufi master to institute this practice for other Sufis was the ‘fard’ al-Ḥakīm al-Tirmidhī, and that many followed him. He then quoted Ibn ‘Arabī’s discussion of this act in his *Futūḥāt* where he also stated that it was the ‘*madhhab* of al-Ḥakīm al-Tirmidhī’ (on this see Chapter Four, Section 4.3), followed by al-Sha‘rānī’s narration in *Kashf al-ghumma* that this was the practice of Ibn ‘Abbās.

These scholars used *al-Futūḥāt al-makkiyya* and *Kashf al-ghumma* as inspiration, and as study material for their reforms. Ironically, however, the focus of these scholars later shifted to the writings of Ibn ‘Arabī’s greatest detractor, Ibn Taymiyya, despite retaining their respect and admiration for Ibn ‘Arabī. For this reason, and because this subject has already been dealt with by Weismann, this episode in the history of the reception of Ibn ‘Arabī’s legal theory will not be dealt with in this study.⁸²⁷ It will suffice us here to mention two significant points. First, that in their fifth meeting, the early inner circle of Salafī reformists chose *Kashf al-ghumma* as the first book to study together, a meeting which led to their interrogation by the Ottoman administrative council in what became known as the ‘*mujtahids* incident.’⁸²⁸ Second, that one of the leading Salafī figures, Jamāl al-Dīn al-Qāsimī (d. 1914), published a collection of essays on *uṣūl al-fiqh* in which he included Ibn ‘Arabī’s chapter from the *Futūḥāt* on his own set of *uṣūl*.⁸²⁹

6.7 Conclusion

I have shown that Ibn Idrīs was not only connected through his masters and their teachings to Ibn ‘Arabī, but that he became wholly dedicated to his legacy and advised his disciples to learn Ibn ‘Arabī’s works. He defended him in his debates with the Wahhābī scholars of ‘Asīr, and he used Ibn ‘Arabī’s arguments in his epistle against the schools. Significantly, Ibn Idrīs’ disciples compared him in particular to al-Tirmidhī and Ibn ‘Arabī, showing that in their minds he was a continuation of the two. More than that, I have demonstrated his in-depth knowledge of Ibn ‘Arabī’s juristic positions and their spiritual significance. I have also shown that Ibn Idrīs followed and applied these positions. His students, aware or not of the source of their shaykh’s teachings, carried with them the Akbarī *madhhab*, or at least some of its juristic principles and a body of its opinions, to the lands where they preached or built communities. Some of his notable

⁸²⁷ On this issue see Wiesmann, ‘Sūfī Reformism,’ 206-237; *Taste*, 156-316.

⁸²⁸ Hudson, ‘Reading al-Sha‘rānī,’ 65-6.

⁸²⁹ Wiesmann, ‘Sūfī Reformism,’ 220, n. 46.

students also wrote tracts on the necessity of acting upon the Qur'ān, the Sunna, and the consensus of the Companions, and the necessity to transcend the schools. Al-Sanūsī quoted not only his master, who had based his own opinions on the teachings of Ibn 'Arabī, but also quoted five pages from Ibn 'Arabī directly. Ibn Idrīs, counted as the greatest, or one of the greatest Islamic revivalists in premodern times, was inspired and guided in all his teachings and reforms by the principles and positions of the Akbarī *madhhab*. This study has proven that Ibn Idrīs is the first major figure who we can establish with certainty applied and spread the jurisprudential positions of Ibn 'Arabī.

Conclusion

This study provided, for the first time, a comprehensive analysis of the juristic thought of Muḥyī al-Dīn ibn ‘Arabī. In doing so, it analysed his juristic thought on two levels, which we may call the *ẓāhir* and *bāṭin*. The *ẓāhir* of Ibn ‘Arabī’s juristic thought is his choice of principles (*uṣūl*) and positive law (*furū’*), which we studied under the heading of juristic method. The *bāṭin* of this thought is his underlying theory of sainthood, which we studied under the heading of juristic authority. This pattern was repeated with Ibn ‘Arabī’s intellectual predecessor, and two of his main intellectual successors: al-Ḥakīm al-Tirmidhī, as well as ‘Abd al-Wahhāb al-Sha‘rānī and Aḥmad ibn Idrīs, respectively. Again, this was the first study to give a comprehensive understanding of the juristic thought of each of these figures, tying their juristic thought to their theories on sainthood.

The second major contribution of this study was to prove the links and the transfer as well as development of ideas between these important figures. Their ideas on the law cannot be in any way separated from their ideas on sainthood, but rather spring from them. It is for this reason that when they borrowed from each other in the first field, the field of Sufism, they subsequently borrowed from each other in the field of jurisprudence. That Ibn ‘Arabī benefited greatly from al-Tirmidhī’s writings on the nature of sainthood, has already been widely acknowledged. This is the first study, however, to show how this influence in the field of Sufism also led to an influence in the field of jurisprudence. This study also showed how this pattern was repeated again in the case of Ibn ‘Arabī’s successors. The influence of Ibn ‘Arabī’s Sufi teachings on al-Sha‘rānī is well known, but the transfer of this influence to the field of jurisprudence has been debated, particularly with regard to al-Sha‘rānī’s last and most important work on the subject, *al-Mīzān al-kubrā*. This study showed that, contrary to the latest studies, *al-Mīzān* was wholly faithful to Ibn ‘Arabī’s teachings. Furthermore, this study showed for the first time the full extent of the influence of Ibn ‘Arabī’s ideas on this work in

particular, and on his previous works on jurisprudence in general. With regard to Ibn Idrīs, the influence of Ibn ‘Arabī on his ideas had not been studied at all. This was the first study to show that Ibn Idrīs was wholly dedicated and devoted to the teachings of Ibn ‘Arabī and that his juristic thought was based on that of his predecessor. This study showed that Ibn Idrīs’ call to *ijtihād* was highly influenced by Ibn ‘Arabī, and that contrary to the beliefs of previous scholars, his positive law was not simply the result of his own *ijtihād*, but was guided by the positions of Ibn ‘Arabī on those issues about which his position was known. I will now give a summary of the more detailed findings and conclusions.

Al-Tirmidhī was the first to write at length about the different degrees and categories of sainthood and to discuss at length the idea, found already in the Qur’ān and *ḥadīth* literature, of men who were not prophets but received inspiration not far removed from that of the prophets. Al-Tirmidhī gave these people, called the *muḥaddathūn*, a rank just below prophecy, and held that their inspiration gave them access to an understanding of the wisdom of the Sharī‘a that was not available to others. As such, these men became the authorities on matters of law, and guides for the rest of humanity - they were those mentioned in the Qur’ān as ‘those possessing authority,’ the people to whom obedience meant success, prosperity, and right guidance. Those who did not have access to such inspiration resorted instead to rational tools in their attempt to understand the law and develop it, in order to respond to new problems and novel situations, but the product of their attempts was no better than mere conjecture: it might hit the mark or miss it, but they had no certain knowledge or clear guidance. Al-Tirmidhī was concerned with putting authority in the hands in which it belonged. He, therefore, attempted to show the faults and contradictions in the analogical reasoning of the jurists, and proposed instead that true *ijtihād* was a process that required inspiration and knowledge of God’s ordering of the universe.

Ibn ‘Arabī developed al-Tirmidhī’s gradation of the levels of sainthood. This study argued that Ibn ‘Arabī essentially transformed al-Tirmidhī’s concept of the ‘Seal of Sainthood’ into a category he called the *afrād*. Ibn ‘Arabī then placed himself as the

Seal of Muḥammadan Sainthood above that hierarchy. Ibn ‘Arabī also developed al-Tirmidhī’s conception of the inspiration that descended upon the hearts of the *muḥaddathūn*, adding several new elements to the modality of this inspiration and how it was accessed, including the idea of direct waking visions of the Prophet.

Al-Tirmidhī approved of opposing opinions as being correct at the same time, and as being based not simply on outward *ijtihād* but on inspired reasoning. Al-Tirmidhī was therefore the first to attribute inspired reasoning to the different imams and show how they could all be correct, while still stating that some positions were more preferable than others. Ibn ‘Arabī did the same on a far greater scale. He stated that the *mujtahid* imams were divinely inspired saints who were firmly established in the Station of Proximity - a name he gave to the rank of the *afrād*. Like al-Tirmidhī, he explained the opinions of the different schools from the level of the spiritual significance behind them, thus attributing an inspired origin to these opinions. While al-Tirmidhī simply approved of opposing opinions in practice, Ibn ‘Arabī provided the theoretical framework in which God accepted the product of everyone’s *ijtihād*, whether it be on the level of a layperson’s understanding of the Qur’ān or a scholar’s use of analogical or deductive tools to produce positive law. At the same time, he argued that the rejection of analogical reasoning was superior as it left more room for choice by limiting the scope of the law.

Al-Tirmidhī was concerned with the problem of authority. Ibn ‘Arabī was more concerned with mercy for God’s servants. Ibn ‘Arabī saw mercy in God’s silences, and a lifting of that mercy by the scholars who ‘filled in the blanks.’ The Qur’ān and Sunna are enough and those who author books of jurisprudence will one day be questioned about everything they add to the law. The layperson need only act upon these two divinely revealed sources of the law, and the saints had their inspiration and their access to the Prophet to know the truth of every matter ‘as it really is,’ and to likewise extract the answer to every problem from these two sources.

Ibn ‘Arabī created his own set of legal principles which benefited from the jurisprudential thought of al-Tirmidhī and the Zāhirīs. I have shown that Ibn ‘Arabī

differed from the *Zāhirī* school in some key issues, including the very purpose behind its methodologies. The central underlying concern behind the *Zāhirī* methodology is the search for certainty. As for Ibn ‘Arabī, he believed that certainty could only come through divine inspiration and spiritual experience. Ibn ‘Arabī only chose those *Zāhirī* principles that restricted the scope of the *Sharī‘a* and preserved God’s pardon of all actions that were left without a ruling in the revealed texts. He parted ways with the *Zāhirī* methodology, however, whenever it led to difficulty. I have demonstrated that every difference between the two methodologies points to Ibn ‘Arabī’s concern for leniency and mercy in the law, rather than the *Zāhirī* concern for certainty. Ibn ‘Arabī’s legal theory was carried forward in later centuries by dedicated followers, most notably al-Sha‘rānī and Ibn Idrīs.

Al-Sha‘rānī wrote a substantial series of works, over a period of decades, that were essentially extracts from the works of Ibn ‘Arabī coupled with his own elaborations on them. He wrote *Kashf al-ghumma* based on Ibn ‘Arabī’s rejection of the *fiqh* of the schools and his preference for the revealed texts only. He then wrote *al-Mīzān* which was based on the other view of Ibn ‘Arabī that all the different opinions of the schools were approved by God. He therefore highlighted in this work the conciliatory aspect of his predecessor’s ideas in an effort to end factionalism between the schools and to give peace of mind to the layperson. He developed Ibn ‘Arabī’s ideas into his own unique theory of the Scale and argued that the law provided more than one correct answer on each topic, taking into account people’s circumstances and abilities. This study demonstrated the extent to which the *Mīzān* remained faithful to Ibn ‘Arabī, and the extent to which it quoted him, even though it took an opposing approach to the earlier *Kashf al-ghumma*. I also looked at the possible reasons why al-Sha‘rānī chose the approach in the *Mīzān* toward the end of his life as opposed to the earlier approach that he chose in *Kashf al-ghumma*, and argued that the later approach would have been more acceptable to the scholars of the age.

Ibn Idrīs highlighted those of Ibn ‘Arabī’s principles and arguments that rejected the *fiqh* of the scholars as superfluous and constricting. Many of his disciples became great revivalists like him, and his movement was a powerful force in its time, with influence still far-reaching today. He, as this study has shown, is the only figure that we can conclusively prove to have lived and ruled according to the Akbarī *madhhab* and its juristic opinions.

This study raises the question: How many other great Muslim figures have been guided by the jurisprudential vision of Ibn ‘Arabī? How often were the authoritative opinions of al-Shaykh al-Akbar applied in the personal and private lives of his admirers, many of whom were great scholars and Sufis? This is an avenue for future investigation. The true extent of the influence of these four figures and their conceptions of *ijtihād* is beyond the scope of this study. The aim of this study was to show that the ideas of these four great scholars were all linked - that Ibn ‘Arabī built a legal theory and juristic methodology based on the foundations laid by al-Tirmidhī, and that al-Sha‘rānī and Ibn Idrīs followed Ibn ‘Arabī and developed his ideas further.

Abū Ḥanīfa’s students Abū Yūsuf and al-Shaybānī were, for all intents and purposes, independent *mujtahids* but they followed their master’s main principles of jurisprudence and left a great influence on his school. Likewise, many of Mālik’s students disagreed with their master on many things, but cannot be said to belong to a different school. Ibn Ḥazm came almost two centuries after Dāwūd al-Zāhirī to bring his school back to life, but he certainly did not agree with the original founder on many of his opinions; yet he was arguably the greatest Zāhirī scholar. The same could be said of Ibn ‘Arabī and his devoted exponents al-Sha‘rānī and Ibn Idrīs. Their works could be labelled as Akbarī literature to add to the founder’s writings. Likewise, al-Sanūsī’s *Īqāz al-wasnān*, with its reliance on Ibn Idrīs, al-Sha‘rānī, and Ibn ‘Arabī, could also be seen as Akbarī literature. With al-Ghurāb’s anthology, the Akbarī ‘school’ acquired a *fiqh* manual for consultation and application. The question is, however, are there people who

will apply it? Could the life of the Akbarī school only be in its beginnings? Perhaps this age will witness a new revival of the Akbarī *madhhab*.

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